

E Copies of Letters
Received from Federal
Agencies, Elected
Officials, and Indian
Tribes

The following pages contain reproductions of the letters and comments received, during the public comment period, from Federal agencies, elected officials, and Indian tribes





OFFICE OF THE GOVERNOR
STATE CAPITOL
SALEM OREGON 97310 1347

December 14, 1987

Chuck Graham
Acting Forest Supervisor
Malheur National Forest
139 NE Dayton Street
John Day, OR 97845

Dear Mr. Graham

Active participation in federal forest planning is a high priority for all Oregonians. It is essential that the hopes, needs and ideas of Oregonians be incorporated into these important resource plans. In that context, this letter provides the State of Oregon's comments on the Malheur National Forest Draft Environmental Impact Statement (DEIS) and Proposed Land and Resource Management Plan (LRMP).

It is imperative to the State of Oregon that all federal land management plans be environmentally sound and provide stable, predictable supplies of commodities and amenities. The state depends upon the Malheur National Forest for resources critical to Oregon's economy and environment. These lands provide a significant share of the employment in Grant and Harney counties and of the revenues accruing to these counties. In addition, the Forest contains critical watersheds and big game habitats, anadromous fish streams such as the John Day River and its tributaries, wilderness areas and recreation sites, and is the home of a multitude of wildlife species.

The State's objectives for the management of the Malheur National Forest are twofold: 1) that these lands be managed in an environmentally sound manner so that future generations have the same opportunities we do to enjoy the bounty the lands can provide, and 2) that these lands produce the flow of economic benefits that they have traditionally provided. Our comments here focus on evaluating your resource management planning from these perspectives.

All affected State agencies have reviewed the DEIS and LRMP. In addition, we held a public meeting in John Day to hear, from the public, what issues relative to the proposed Plan were of special interest. This letter and the detailed agency attachments highlight the State of Oregon's questions, concerns, and recommendations on these documents. Please consider them in development of your Final Environmental Statement.

Before sending this letter and the detailed agency comments to you, we made them available for public review. We received numerous letters advocating that the State take positions on different issues and also many substantive letters suggesting improvements.

Three comments we received deserve special mention: 1) Distress over our inadequate attention to the anadromous fishery in the John Day River drainage. We have made numerous additions to this letter to overcome that problem. 2) Worry that our request for the Forest to take a longer look at unevenaged management and growing bigger ponderosa pine trees, if implemented, could cause a significant decline in the harvest level. We are only requesting information here so we can assess the trade-offs. We are not recommending any particular policy. 3) Concern that our criticism of the elk habitat model could cause the Forest to switch to a model that assumes less compatibility with timber production. The Malheur has selected, without explanation, a habitat capability model different from the type chosen on surrounding forests and one that takes a simpler view of the determinants of elk habitat than recommended by the State Department of Fish and Wildlife. Since the Forest is somewhat out-of-step, we feel it should either justify its approach or use a more conventional one.

Also, your Forest graciously sent us corrections to our comments. We have considered them, the three points made above, and the many other suggestions we received on improving our comments when we produced the letter that follows.

THE STATE RESPONSE

We realize the tremendous effort that went into construction of the DEIS and LRMP and we appreciate your staff's help to us as we reviewed these documents over the last few months. The State of Oregon, however, cannot support any of the alternatives in the DEIS because they appear grounded on analytical assumptions that seem questionable and they do not fully provide the information that we believe is needed to make a reasoned decision.

With your help, we plan to construct our own State alternative for your Forest. We had hoped to do this during the comment period, but our difficulties with the analytical models that you employed and the data gaps that exist preclude our construction of that alternative now. We still plan to construct a State alternative in the future and view this letter as a vehicle to help you understand our difficulties with your analysis and the additional data about your Forest that we need.

The rest of this letter highlights the analytical problems and information needs uncovered by our State agencies. In outlining the problems that they uncovered, we want to emphasize that we wish to work with you in a cooperative manner to resolve the difficulties described here. Both the Federal Plans Coordinator and the agency contacts mentioned on the attached listing are willing to discuss these comments further and meet with you to explain our suggestions for clarification and improvement and to clear up any misunderstandings that we may have of your planning documents.

We have organized our comments on your DEIS and LRMP into six major sections: A) development of alternatives, B) estimation of resource effects, C) estimation of economic effects, D) standards and guidelines for plan implementation, E) monitoring of plan activities and effects, and F) other considerations.

A. Development of Alternatives

We are concerned that the Malheur's development of alternatives may have been unduly restrictive and may have overemphasized the conflicts between commodities, amenities and environmental protection. We feel that a wider range of choice and choices that increase the compatibility of different land uses could be examined for four major outputs produced on the Forest: 1) timber, 2) livestock forage, 3) minerals, and 4) anadromous fish.

1. Timber Production

Wood processing based on timber harvested from the Malheur National Forest provides the overwhelming majority of manufacturing employment in Grant and Harney counties and a major portion of these counties' budgets. A resource management plan that maintains this flow of economic benefits from timber production is a high priority for the State's involvement in planning for your Forest.

The Malheur's alternatives are predicated on the widespread use of even-aged silvicultural techniques for timber production across the Forest. These techniques will result in a fundamental change in the vegetative composition of the Forest and its visual character over the next few decades. People throughout Central Oregon have requested that the national forests there consider uneven-aged management more seriously and *comprehensively than has occurred in the issuance of DEIS's*. As a result, two nearby national forests, the Deschutes and Ochoco, have undertaken a substantial reconsideration of the potential for uneven-aged management on their forests. We request that the Malheur undertake the same reevaluation.

Embedded in the preferred alternative is the Malheur's decision to emphasize the management of climax species, such as the true firs, over early successional species on the mixed conifer sites that make up much of the Forest. On sites where ponderosa pine currently exists as a natural, and often dominant, component of these stands, this decision has significant social, economic, and environmental impacts that have not been fully addressed in the DEIS. Many State agency comments including the Oregon State Forestry Department (OSFD), the Economic Development Department (EDD), and the State Economist express distress over the possibility of losing ponderosa pine as a predominant species on the Malheur.

Ponderosa pine gives local primary and secondary manufacturers their competitive edge in the wood products industry. In addition, maintaining ponderosa pine should reduce losses to defoliating insects and root and bole diseases, and is a prized home for many wildlife species.

The Malheur should more closely examine opportunities to maintain the high quality ponderosa pine component of its timber sale program throughout the planning horizon. High quality pine does not necessarily mean old growth pine. Intensive forest management methods and emerging technology in such areas as pruning, and the uneven-aged management mentioned above, should be considered to allow sustained production of clear-barked, insect resistant ponderosa pine with diameters approaching 20 inches in rotation ages close to 100 years. Such production potentially could provide a continuing forest industry in forest setting that would maintain the unique character of the Malheur National Forest.

Maintenance of the visual appearance of the Forest along major travel routes is an important objective for the Forest Plan, but it is equally important that this objective be systematically varied between alternatives so that the benefits and costs of its attainment are revealed. Because the Malheur retains a similar level and method of visual protection across most alternatives, the choices seem unduly restrictive. We suggest you consider varying the visual objectives more substantially between alternatives, and develop at least one alternative that does not contain discretionary visual objectives. Please see the comments of OSFD and the Division of Parks and Recreation for more details.

2. Livestock Forage

As detailed in the DEIS and LRMP, the economic viability of the ranches surrounding the Malheur is, in most cases, contingent on availability of forage from the Forest. The nearby cow/calf ranching operations have for generations utilized these public lands as summer pasture, with home ranch properties devoted to irrigated hay production during the summer months for winter feed. A change in forage availability from the Malheur could have a significant effect on local ranches and stability of local communities.

For these reasons, our Department of Agriculture views with some concern the proposed reduction in permitted animal unit months contained in the draft Forest Plan. While the reductions proposed are not large, they could serve to stifle future growth in the ranching industry, a major contributor to the local economy.

The supposition that permitted grazing must be reduced over the life of the plan to facilitate restoration of substandard riparian areas needs more justification. We support restoration of riparian areas as a high priority of the Forest Plan, and we understand that specific riparian areas may require reduced grazing or exclusion of livestock for a period of time to promote recovery of these important resources. The Department of Agriculture believes that these practices, in addition to changes in grazing management, can improve riparian area conditions while simultaneously providing increases in forage. Also, the Department believes that development of watering facilities away from streams, placing salt and minerals away from riparian areas, and fencing to provide seasonal exclusion can also help improve riparian conditions.

3. Minerals

The Malheur National Forest is currently the site of active exploration of a wide variety of valuable minerals. In addition, the Department of Geology and Mineral Industries (DOGAMI) has ongoing studies in the area of bentonite, limestone, talc, and zeolite whose production could impact the Forest. Given the potential importance of minerals from the Forest, the DEIS and LRMP appear to lack the comprehensive inventory and analysis needed to support decisions about these resources. While the metallic mineral coverage in Appendix F is excellent, it is not well integrated into the DEIS and LRMP and these documents also lack inventory data on industrial and construction minerals. In addition, only one of the 10 alternatives in the DEIS (alternative B) lists how the alternatives would affect mineral production, and a discussion of potential revenue from future mineral production seems almost wholly lacking. We request that the Forest consider minerals as an integral part of each alternative and highlight their potential outputs, revenues, and costs more fully in the DEIS and LRMP. Please see the comments of DOGAMI for more details.

4. The John Day Fishery

The John Day River system may contain the most important anadromous fishery in Eastern Oregon. It supports one of the few remaining runs of wild spring chinook salmon in the Columbia Basin and also substantial summer steelhead runs. Because of the relatively small number of obstacles that the fish encounter on their way to and from the Pacific, the river system will always be a major source of Columbia Basin salmon and steelhead.

In addition, the Northwest Power Planning Council is undertaking extensive efforts to rebuild the runs of Columbia basin tributaries, emphasizing the preservation and restoration of natural spawning runs. In keeping with that goal, many thousands of dollars from the Bonneville Power Administration are being spent on your Forest to construct hundreds of instream structures for fish habitat improvement. All of these factors support special recognition of the John Day anadromous fishery.

Maintenance and enhancement of the John Day fishery must be a central focus of the Malheur Forest Plan. To do this, all facets of management should be systematically examined. Included in this discussion should be management choices for protection of riparian areas during logging and livestock grazing (as discussed above), alternative road building schemes, and different types and levels of instream investment. In all cases, this discussion should cover the predicted outputs and associated benefits and costs. In this analysis, special attention should be paid to documenting stream temperature and sedimentation effects of activities and to practices that will reduce both temperature and sediment.

B. Resource Effects

Many types of information needed to understand the amenities produced and to estimate the environmental impacts incurred in your proposed Forest Plan, and the alternatives to it, are not presented in the DEIS or are based on models that our State agencies feel make questionable assumptions. We have highlighted here some of the major difficulties and information needs that our State agencies found in review of your Plan. More detailed discussions can be found in agency comments, especially those of the Oregon Department of Fish and Wildlife (ODFW), the Water Resources Department, and Department of Environmental Quality (DEQ). We have divided our discussion into five parts: 1) fish and wildlife; 2) stream flow; 3) water and air quality; 4) dispersed and developed recreation; and 5) summary.

1. Fish and Wildlife

We have further broken our fish and wildlife discussion into six sections: a) elk habitat prediction; b) road management; c) dead and down material; d) old growth; e) riparian zones; and f) rangelands.

a. Elk Habitat Prediction

One of Oregon's premier elk herds roams the far reaches of the Malheur National Forest. The DEIS indicates that elk numbers can increase in most alternatives. ODFW feels the foundation for that conclusion is weak and the assumptions behind this analysis are questionable. Elk habitat in your analysis is based on the ability of the Forest to produce forage, but forage is only one attribute of the habitat effectiveness models that are in wide use in eastern Oregon. Other attributes include cover and effective road density. Until those other attributes are included, or an explanation is given why they should be excluded, your estimates of habitat effectiveness will lack credibility.

b. Road Management

Beyond considering roads in your estimate of effective elk habitat, it is important that you spell out more completely your road management and closure policy and that you embed an objective of a much lower effective road density in some of your alternatives. Doing so can help maintain effective elk habitat at minimal cost to timber production and have numerous other benefits. We request that you consider the proposed road management policy of the Wallowa-Whitman National Forest and the attached comments of ODFW and OSFD as a start.

c. Dead and Down Material

Dead and down woody material is becoming increasingly recognized as an important component of the forest ecosystem. Yet we believe the Plan lacks the information needed to understand the current level of dead and down material and also does not present evidence that the proposed level will maintain viable populations of cavity nesters. Please see ODFW's comments for more detail on this problem.

d. Old Growth

Old growth is an important component of forest habitat for many species. Yet we cannot find, in the DEIS and LRMP, a distribution map of the existing old growth on the Forest, a detailed discussion of the old growth groves that will be maintained under each alternative, or a table showing the amount of old growth that will be grown over time. Providing such information to the State would be of major help to it in development of its alternative.

e. Riparian Zones

Riparian area management is a critical concern in semi-arid Eastern Oregon, with these areas being so important to water flow management, fisheries, and species diversity. Land management activities in riparian areas, unless done carefully, can compact soils, thus affecting water flow rates, and raise water temperatures. A full understanding of the affected resources is essential to ensure that riparian zones are not degraded through land management activities. Their importance is underscored by the many State agencies which expressed concerns over possible degradation of these areas.

We could find little quantitative information in the DEIS and LRMP, however, on riparian zones and evaluation of their condition. We request that you give us a map of riparian zones by condition class, or at least a compilation of this information by subbasin, more information of the allowable livestock use rate in these zones, and a description of the technique used to rate streamside zone condition.

f. Rangelands

The Malheur National Forest needs to provide more information on the current status of its rangelands, including their condition and the improvements envisioned. Without this key baseline information, it is difficult to understand the impact on fish and wildlife in the alternatives relative to the conditions that now exist.

2. Stream Flow

The Malheur National Forest is drained by three major basins the State has defined for water management 1) John Day River, 2) Malheur River, and 3) Malheur Lake Basins In all three basins, irrigation, fisheries, and recreation are the major uses of surface water As mentioned above, the John Day drainage is of special concern as an increasingly important spawning and rearing area for salmon and steelhead In addition, the towns of John Day and Long Creek derive water supplies from the Forest watersheds and small amounts of water are used for livestock watering, industry, and mining

The Water Resources Commission (WRC) has adopted water use programs for both the John Day and Malheur Basins We request that you reference these important programs and evaluate your alternatives against them

WRC's recently adopted basin program for the John Day contains specific recommendations for the Forest Service that are detailed in Water Resources' comments One of the major objectives discussed there is to achieve better seasonal distribution of runoff in the John Day drainage to reduce high stream flows and increase low stream flows, especially through the protection and improvement of riparian areas We hope you will give serious consideration to attaining this important objective

In addition, we request that you provide projected stream flow and timber harvest activity information by watershed for each alternative. Please see the comments of the Water Resources Department for more details

3. Air and Water Quality

Regarding air quality, the Department of Environmental Quality's (DEQ) main concerns relate to impacts from prescribed burning on the Forest and from burning of the Forest's fuelwood by the public within urban areas

Regarding water quality, DEQ's main concern is that the Forest Plan be consistent with Oregon's adopted Statewide Water Quality Management Plan for forest practices as required by the Clean Water Act The DEIS and LRMP do recognize goals of meeting water quality standards and protecting beneficial uses of water However, these documents lack information needed to assess adequately the water quality effects of proposed activities on the Forest, including sediment production and management controls in specific watersheds In addition, findings need to be made regarding the relationship between baseline water quality conditions and the effects of proposed Forest activities

DEQ is especially concerned about the potential cumulative impact of grazing, logging, and roadbuilding on sediment entering Forest streams, especially the John Day drainage We request that the Forest present a detailed assessment of these effects in the Final Environmental Statement

See DEQ's comments for more detail on these problems and suggestions on solving them

4. Recreation

Our Division of Parks and Recreation is especially concerned about the impact of your proposed land allocation for the remaining roadless areas on the supply of primitive and semi-primitive recreational experiences These concerns are of four types 1) contradictions in the DEIS and LRMP make it difficult to understand the division of these areas between motorized and nonmotorized recreation and demand for these activities on the Forest, 2) the DEIS lacks documentation on the criteria used to decide which roadless areas to develop and which to leave from the standpoint of meeting recreational goals, 3) contraction of the roadless areas around two superlative recreational streams, the Malheur and North Fork Malheur, lead to fears that the semi/primitive experience will be compromised, and 4) lack of coordinated planning with adjacent national forests may lead to valuable recreational resources being lost on one Forest while less valuable ones are maintained on another Please see Parks and Recreation's comments for more details on these subjects

In addition, both Parks and Recreation and EDD question the wisdom of reducing the number of developed campgrounds on the Forest As we understand it, the Forest Service proposes to manage 11 campgrounds as developed facilities, and, for lack of maintenance funds, convert 14 minimum development sites currently receiving low use to dispersed occupancy sites through removal of existing facilities.

Tourism is a growth industry in Grant and Harney counties. More discussion on the potential impact of these reduced services on tourism over the next few decades would help us understand the significance of the proposed closures and whether we should assist you in finding the funds necessary to keep them open

5 Summary

Many State agencies were hamstrung in making effective comments to you because of the lack of geographic detail in your analysis and discussion Presenting resource effects on a forestwide basis may be valuable for some outputs such as the overall timber harvest, but has little value for other outputs such as sediment production, water flow, and habitat structure over time. Rather, we need information on proposed activities and their effects by watershed or some similar forest subdivision

Toward that end, the Water Resources Department has included a map in their supplemental comments dividing the Forest into 11 watersheds With the critical importance of your river basins, a breakdown by watershed can improve the estimation of effects for many resources The Siskiyou National Forest recognized 19 planning basins in their analysis which help immensely in making their plan understandable At a minimum, the Malheur should be able to provide information on proposed activities and their effects by the three major river basins on the Forest. 1) John Day River, 2) Malheur River, and 3) Malheur Lakes

We request that you divide your forest into watersheds, or some other logical geographic breakdown, and embed that structure in your forest planning analysis and in the presentation of resource effects in your Final Environmental Statement.

C. Economic Effects

We have a number of difficulties with the information provided on economic effects and the analyses used in their estimate. We have highlighted here seven major areas of concern: 1) characterization of the proposed harvest level; 2) information provided on the trade-off between timber production and other resource objectives; 3) portrayal of ponderosa pine value over time; 4) portrayal of recreational activity value; 5) estimation of supply and demand for timber; 6) estimation of supply and demand for recreational activities; and 7) budget uncertainty.

1. The Proposed Harvest Level

You often compare the maximum timber harvest level under the proposed plan with the actual harvest level of the 1977-86 period. As an example, your newspaper-like "OVERVIEW" states that "Timber harvests in the first decade will increase by 55 million board feet over the average timber volume sold over the last decade. The total sell volume will average 258 million board feet per year under the Proposed Forest Plan." That 258 million is characterized elsewhere in your documents as the maximum timber harvest level permitted under the Plan. We found these comparisons unsettling for two reasons: a) technical inaccuracies, and b) potential confusion to the general public. Each will be discussed in turn.

a. Technical Inaccuracies in Comparisons of Past and Future Timber Harvests

The maximum timber harvest level presented in your preferred alternative, made up of the "allowable sale quantity" plus some other volume, sets an upper limit on what can be offered for sale, on the average, in the years of the Plan period. As with the "potential yield" in your current Timber Resource Plan, some proportion of this maximum quantity will be offered for sale, depending on budgets and other considerations. Then some proportion of those offerings will be purchased by timber buyers, depending on the demand for timber in the area and the appraised price of the timber. Finally, some proportion of those purchases will actually be harvested over the few years after purchase, depending on the timber market during those years and other considerations.

Comparison of the maximum timber harvest level proposed for the future with the harvest actually experienced in the past ignores all these possible reductions in timber volumes between the setting of the maximum harvest level and the harvest that will actually occur. We believe that a discussion of the relationship between this upper limit on harvest and the harvest level that may actually occur would greatly improve your documents, especially if it included a historical perspective on their relationship in the recent past.

We realize that you plan for actual sales and harvest to be closer to the maximum permitted than occurred in the past, so some perspective must be maintained in projecting past performance into the future. Still, though, these comparisons would help deepen people's understanding of what is being proposed.

b. Potential Confusion in Comparing Past and Future Harvests

Comparing proposed future harvest to a past harvest reflecting occurrences for the past 10 years may have some validity on a long term basis since these years include a number of industrial cycles. The 1977-86 averages for timber harvest, timber sales and timber-based employment, however, do not represent what surrounding counties have experienced in the last few years. Rather, these counties have recently experienced a much higher timber-based employment level than the 10-year average as companies cut their accumulated timber-under-contract with the return of high stumpage prices.

Thus, your portrayal that implementing the Forest Plan will enable an increase in timber harvest and related economic effects, while technically correct in comparison to the average for the last 10 years, has confused many people in at least two ways.

First, people believe that the timber supply will expand under the new Forest Plan with the associated economic growth and economic benefits. In reality, though, the projected increase in jobs, personal income and payments to counties has already been realized through the higher harvest levels of the last few years. In fact, the 1985-87 harvest level slightly exceeds the proposed harvest level under the new Plan. Thus, we actually face a possible contraction of timber-based employment under the proposed Plan in relation to the situation that now exists.

Second, people see the extent of the harvest from the last few years and become anxious over the proposed Plan: we repeatedly heard concern expressed in our public meetings and elsewhere that damage to the forest ecosystem may occur if a higher level of harvest is sustained than recently experienced. Not only does the Forest need to point out that the proposed harvest level is slightly below the harvest level of the past few years but, also, the Forest needs to bolster its case that the thus proposed harvest level is sustainable.

In summary, we believe it is imperative that the Forest compare the proposed timber harvest to the harvest of the last few years in addition to the 10-year average. You should compare this proposed quantity to the 10-year average timber sales, 10-year average timber offerings, and potential yield to increase understanding of how a proposed timber harvest can be affected by budgets and other considerations. Burying these discussions in the DEIS and LRMP will not prove sufficient: they should prominently appear in your OVERVIEW and any other summaries of your Proposed Plan. We realize that such information is difficult to present compactly, but the willingness of resource professionals and the general public to accept your Plan depends on presentations such as these.

2. Highlighting the Trade-off between Timber Harvest and Other Objectives

Our analysis of different alternatives for the management of the Malheur National Forest, like yours, depends most fundamentally on trade-off information as the basis for informed judgement. We have been disappointed with the amount of information available in your DEIS on the impact on timber production to achieve other resource objectives.

We plan to make site-specific recommendations in our State alternative. Thus we need to know the timber production gains and losses from different treatment of particular roadless areas, big game ranges and visual corridors. Without the development of this information, our attempt to craft a realistic and responsible State alternative will prove difficult.

This information will prove especially crucial in our recommendations on your roadless areas. We need to understand their potential contribution of these areas, under different degrees of development, to such outputs as total timber harvest, ponderosa pine harvest, big game habitat, quality hunting experiences, and water quality including spawning and rearing habitat for native and anadromous fish.

3. Recognizing the Increasing Scarcity of Ponderosa Pine

Ponderosa pine is the green gold of the Malheur National Forest. As pointed out by our State Economist, it has increased in value, and probably will continue to increase in value, more rapidly than other species. Yet your analysis lumps all species together in applying a one percent real price increase over time. Such an approach masks the virtue of continuing to grow high quality ponderosa pine which we mention elsewhere in this letter as a possibility that should be investigated further. We request that your analysis be improved to project the value of ponderosa pine separately from other species.

4. Improving Valuation of Recreational Activities

Your analysis apparently reduced the value of recreational activities by 37 percent. In addition, you assigned a zero percent real price trend to these activities while applying a one percent real price trend for timber. These assumptions can result in a serious undervaluation of the contribution recreation makes to the wealth derived from the Forest, and you should support the assumptions or change them.

5. Estimating Supply and Demand for Timber

The demand for timber off the Malheur, especially for ponderosa pine, appears to be on the rise. The dramatic increase this year in purchases by mills located outside Grant and Harney counties probably is a harbinger of things to come. Not unrelated, the supply of timber from nearby sources, be they other national forests or other owners, seems to be declining. We believe that the Forest should take a fresh look at timber supply and demand in the Malheur's area of influence to help all people, including the State, better understand what the future may hold.

6. Estimating Supply and Demand for Recreational Activities

The Malheur's projections of future recreation demand appear grounded on State population trends. Recreation use historically has grown much faster than population. Therefore, we request that you consider basing your projections of recreation use on historical use trends from the Forest where such data exists.

7. Budget Uncertainty

Throughout the DEIS and LRMP, you refer to proposed actions that may or may not occur depending on budget constraints. While the general discussion of budget constraints is useful, both OSFD and the Economic Development Department wish that you would address more specifically the likelihood of funding availability for the proposed actions and the impact on Forest resources if expected funding does not materialize.

D. Standards and Guidelines

We believe that the standards and guidelines for implementing a Forest Plan should state the bounds or constraints within which all practices will be carried out in achieving the objectives of the Plan. Therefore, standards and guidelines must be measurable to be meaningful. There is little purpose in defining standards and guidelines for which no methods exist for measuring the degree of compliance or attainment.

As a whole, the standards and guidelines for Plan implementation seem weak, with few standards actually established. This appears especially true in the statements on wildlife and fish, water, soil, and riparian areas. The qualifiers that occur throughout this section, such as "some", "sufficient", "where needed", "as necessary", and "acceptable" are subjective and do not allow for comparison.

The Forest should develop clearer and more objective standards which will provide guidance for plan implementation. We recommend that your Forest utilize the terminology developed by the Siskiyou National Forest for the types of guidance or restriction you adopt. In addition, please see the comments of ODFW, OSFD, and the Water Resources Department for other suggestions on what is needed.

E. Monitoring

We believe that the purpose of a monitoring plan should be to establish methods and threshold levels for evaluating the direction, standards, and outputs of the Forest Plan. Your proposed monitoring plan does not comprehensively establish threshold levels, address specific methods, describe frequency of monitoring, or establish responsibility for monitoring. We recommend that the Malheur investigate the monitoring format proposed by the Wallowa-Whitman National Forest as a beginning point for improving your own program. Also, see the comments of ODFW, OSFD, and the Water Resources Department.

Because so much is unknown about the effects of management activities on different forest resources, we must rely on monitoring to provide early warning signals about activities having effects beyond acceptable limits. Therefore, we recommend that the budget for this monitoring be considered an integral part of the provision of outputs from the Forest and that the plans be structured so that output levels will be proportionately reduced if monitoring resources are not forthcoming as promised.

F. Other Considerations

The Malheur National Forest is the fifth of the thirteen national forests in Oregon to publish a management plan. When the aggregate effect of all Oregon's national forest plans on resource outputs such as timber, salmon and steelhead, big game, and recreation opportunity has been determined, the State may need to modify its position and recommendations on individual plans. Therefore, we urge you not to adopt any plan until the cumulative effects of all draft, revised draft, and supplemental national forest plans are known by the public.

We urge you to continue managing the Malheur National Forest under the existing management plan until a new plan is in place or until amendments to the existing plan are developed and approved with participation by the State of Oregon. New constraints should not be applied in the interim to existing plans in contemplation of the new plan without full public participation.

Attached to this letter are reviews of the Malheur National Forest DEIS and LRMP completed by affected State agencies. These reviews consider economic, social, environmental, and legal aspects of the planning documents. They contain substantive technical comments that should be considered an integral part of the State response.

Thank you for the opportunity to respond to the Malheur National Forest DEIS and LRMP. The State of Oregon stands ready to help you as you move forward in completion of your Forest Plan. For assistance on our comments about the overall planning process and procedures, feel free to contact Norm Johnson, Federal Forest Plans Coordinator. For assistance on particular resource issues, please contact the appropriate individual on the enclosed list of agency contacts.

Sincerely,



Neil Goldschmidt
Governor

NG:cs

Enclosures

0850N



DEPARTMENT OF THE AIR FORCE
REGIONAL CIVIL ENGINEER, WESTERN REGION (AFESC)
430 BANSOME STREET - ROOM 1319
SAN FRANCISCO, CALIFORNIA 94111-2278

REPLY TO
ATTN OF ROVP (Tye/556-0557)

SUBJECT Draft EIS: Malheur National Forest, OR.

TO
USDA Forest Service
Pacific Northwest Region
Portland, Oregon 97208
ATTN: Mr. James P. Torrence

This office has reviewed the subject document and has found no significant impact to Air Force installations in the region or to their activities.


PHILLIP E. LAMMI, Chief
Environmental Planning Division

cc: AF/LEEV (Defusco)

Forest Supervisor
Malheur National Forest
139 NE Daylon ST
John Day, OR
Dear Sir:

①

Oct 21

I would like to address
^{Forest} your plan from the viewpoint of
a County Commissioner, Land owner
& Citizen. As a County Commissioner
without the 35% of Gross Forest
Receipts to our County & School,
City tax structure would be
in a State of collapse.

As a Land owner you
present policies of overbuilding
roads is forcing most of the
(over)

2.

Big game population onto
Private Land where there is
not the available feed.

Finally I would
like to state as a citizen
if you do not bring the
disease problem in the Malheur
Forest Timber under control
then will be no sustained
yield of timber to harvest.

I support ~~the~~ the
plan with the exception
of the reservation that I have
stated

Yours truly, Robert Hollander
Grant County, ^{Comm}
355 W Brent, John Day, OR



GENERAL COUNCIL
and
BOARD of TRUSTEES

CONFEDERATED TRIBES
of the
Umatilla Indian Reservation

P.O. Box 638
PENDLETON, OREGON 97801
Area Code (503) Phone 276 3165

Mr. Chuck Graham
12-10-87
Page Two

December 10, 1987

Mr. Chuck Graham
Acting Supervisor
Malheur National Forest
139 N.E. Dayton Street
John Day, OR 97845

Dear Mr. Graham:

The Confederated Tribes of the Umatilla Indian Reservation (C.T.U.I.R.) appreciate the opportunity to comment on the Malheur National Forest Proposed Land and Resource Management Plan and accompanying Draft Environmental Impact Statement.

The proposed Plan and D.E.I.S. were reviewed by a C.T.U.I.R./B.I.A. Interdisciplinary Team and C.T.U.I.R. Fish and Wildlife Committee. The I.D. Team consists of Tribal/Federal resource managers, professionals and technicians. The Fish and Wildlife Committee serves the Board of Trustees in an advisory capacity.

The Board of Trustees is required by its Constitution and Bylaws to promote and protect Treaty Reserved Rights and resources. The attached comments are premised upon this perspective of protecting federally recognized treaty rights which include the traditional practices of fishing, hunting, gathering roots and berries, grazing of stock, and exercising religious rights in the ceded and usual and accustomed areas of the Confederated Tribes. The desire of the C.T.U.I.R. to retain and enhance a high degree of integrity within the ecology of the fish, wildlife, forest and range of the Blue Mountains is beneficial not only to tribal culture but to the public at large. These interests are verified by such examples as the B.I.A./C.T.U.I.R. Blue Mountain elk and deer telemetry research studies, expansive fisheries enhancement program, and lead role in the Umatilla Basin project.

The comments, of necessity, deal with the historical and proposed management of the Malheur National Forest in a frank manner and are intended to protect the treaty right and provide constructive recommendations. In general, the plan set and extrapolated goals and outputs without adequate baseline data and in a number of instances used misapplied models and models not accepted by state, federal and tribal agencies. There was a tremendous lack of information provided throughout the plan, D.E.I.S. and appendices from which to expedite a reasonable analysis of a tentatively viable forest plan. Actual implementation methodologies and structure were, for the most part, simply relegated to a project level basis with only best management practices and forest wide standards as guidelines. The B.M.P.'s and F.W.S.'s contained very minor measurable criteria and therefore were quite subjective in nature as was the entire plan.

The historical administrative philosophy of the Malheur National Forest has been overwhelmingly "commodity" oriented with a low regard for "amenity" values such as fish, wildlife, ecological integrity, native american culture and archaeology. This lack of sensitivity to these values, natural resources and to treaty rights are well exemplified by overgrazing damage to riparian areas and big game range areas, and harvest and thinning practices which are creating a tree farm environment that significantly diminishes large diameter ponderosa pine stands and old growth timber in general, thereby impacting nongame species, big game hiding and thermal cover and ecological diversity. The Confederated Tribes have not been notified of project level activities that have potential impacts on archaeological sites and cultural and religious values of the tribe. The C.T.U.I.R. is aware of specific sites that have not been adequately protected due to administrative direction.

The aforementioned historical management philosophy of the Malheur National Forest has produced a piecemeal degradation and appropriation of the federally protected 1855 Treaty Right for which the Malheur National Forest has a direct responsibility and stewardship within its jurisdiction to uphold. The continuance of this philosophy is well portrayed by the proposed forest plan and only adds insult to injury to the natural resources of the forest, the treaty rights of the Confederated Tribes, and the public as a whole. It is imperative at this time to clearly communicate to the U.S.F.S. that the proposed forest plan and all proposed alternatives including the preferred alternative are unacceptable to the C.T.U.I.R.

2

Mr. Chuck Graham
12-10-87
Page Three

The C.T.U.I.R. is aware of the State of Oregon's rejection of any of the proposed alternatives and subsequent desire to work with the M.N.F. in developing a viable alternative and plan. The C.T.U.I.R. contends that because of the magnitude of lack of information and process of implementation in conjunction with unaccepted and misapplied models that a re-draft is merited. The U.S.F.S. is under executive order to deal with recognized tribes on a government to government basis. The C.T.U.I.R. should be a party to any potential re-draft or revised draft that is worked out with the State of Oregon and other appropriate entities. The C.T.U.I.R. encourages and suggests the utilization of a multiagency oversight group to provide recommendations, tentative solutions, and helpful review of, as yet unprovided and needed, information for an acceptable plan. An opportunity to review needed information and respond should take place prior to the final forest plan and D.E.I.S.

The C.T.U.I.R. desires to work with the Malheur National Forest and Region 6 in providing solutions to the concerns of the tribe. Additionally, the C.T.U.I.R. is a member of Columbia River Inter-Tribal Fish Commission and endorses their comments and recommendations regarding the proposed plan and D.E.I.S. Please refer to the attached supplement for specific comments and feel free to contact Randy Williams at 276-8221 if you have any questions or if we may be of further help.

Sincerely,

Jay Mcintosh for Rod Cowapoo
Rod Cowapoo, Chairman
Fish and Wildlife Committee

Elwood Patawa
Elwood Patawa, Chairman
Board of Trustees

cc: Region VI/Torrance
USFS, Washington/Robertson
OR/Goldschmidt
CRITFC
ODFW
Rights Protection File

THE NATURE OF THE TREATY RIGHT

The Tribes' right to take fish that pass their usual and accustomed places is a right confirmed by numerous court decisions. See e.g., Songster v. Smith, 302 F.Supp.899 (D. Or. 1969), aff'd, United States v. Oregon, 529 F.2d. 570 (9th Cir. 1976); Washington v. Washington State Commercial Passenger Fishing Vessel Ass'n, 443 U.S. 658 (1979) (Passenger Fishing Vessel). In addition to binding state governments, See Passenger Fishing Vessel, 443 U.S. at 682 and n.25, the treaties are also binding on private citizens. See e.g., United States v. Winans, 198 U.S. 371 (1905), and, of course, the federal government. Passenger Fishing Vessel, 443 U.S. at 682; See also Confederated Tribes of the Umatilla Reservation v. Alexander, 440 F. Supp. 553 (D. Or. 1977). Absent specific authorization by Congress, Indian treaty rights cannot be abrogated. Id., citing Manzanilla Tribe v. United States, 391 U.S. 404, 413 (1968).

In Passenger Fishing Vessel, the Court painstakingly examined the circumstances surrounding the negotiation of the treaties in an attempt to define the parties' long-term intentions. The Supreme Court emphasized that Governor Stevens invited the Tribes to rely on the United States' good faith efforts to protect their right to a fisheries livelihood. Stevens specifically told the tribes: "This paper [the treaty] secures your fish." Id. at 667 n.11. During the treaty negotiations, "the Governor's promises that the treaties would protect that source of food and commerce were crucial in obtaining the Indians' assent." Id. at 676 (emphasis added). As the Supreme Court stressed:

It is absolutely clear, as Governor Stevens himself said, that neither he nor the Indians intended that the latter "should be excluded from their ancient fisheries." . . . and it is accordingly agreed to authorize future settlers to crowd the Indians out of any meaningful use of their accustomed places to fish.

Id. The Supreme Court also mentioned that the treaty guaranty of "the right of taking fish" was meaningful only if fish were available for the taking. Id. at 678 (emphasis added).

The 130 years since the treaties were signed have witnessed a truly startling number of methods by which the quantity of fish available for the taking could be reduced -- if not decimated. The courts have responded to these threats to the treaty right by declaring a policy that the treaty right cannot be defeated by technology or other methods not anticipated by the treaty signatories. For example, in United States v. Winans, 198 U.S. 371 (1905), the defendant constructed a fish wheel (a device capable of destroying an entire run of fish) and excluded the Indians from one of their usual and accustomed fishing places.

Commenting on the effects of improved fishing devices, the Court noted that:

wheel fishing is one of the civilized man's methods, as legitimate as the substitution of the modern harvester for the ancient sickle and flail . . . It needs no argument to show that the superiority of a combined harvester over the ancient sickle neither increased nor decreased rights to the use of land held in common. In the actual taking of fish white men may not be confined to a spear or crude net, but it does not follow that they may construct and use a device which gives them exclusive possession of the fishing places, as it is admitted a fish wheel does.

Id. at 382. Thus, although, improved technology may be brought to bear on the fishery, that technology cannot be allowed to imperil the rights secured to the parties to the treaty. This result was reaffirmed by the Supreme Court in Passenger Fishing Vessel. There the Court declared that "(n)on-treaty fishermen may not rely on property law concepts, devices such as the fish wheel, license fees, or general regulations to deprive the Indians of a fair share of the relevant runs of anadromous fish in the case area." Passenger Fishing Vessel, 443 U.S. at abrogation legislation from Congress, (Menominee Tribe v. United States, 391 U.S. 404, 413 (1968)), no one may use any method to deprive treaty fishermen of their fair share of the anadromous fish.

FEDERAL DUTY TO PROTECT SUBJECT MATTER OF TREATIES

In addition to their obligation to not destroy Indian treaty rights without specific Congressional action, federal agencies must use their authority to safeguard that which is the subject matter of federal treaties. In Kittitas Reclamation District v. Sunnyside Valley Irrigation District, 763 F.2d 1032 (9th Cir. 1985), the Ninth Circuit affirmed a district court order to operate a Yakima water project in a manner that would preserve spring chinook salmon redds. Federal project operators had originally sought to reduce water releases in order to store water for the next irrigation season. The proposed flow reductions would have left the redds high and dry. Testimony at the district court hearing indicated that the proposed water storage would be possible if twelve redds were transplanted or if berms were constructed. Id. at 1035. However, the district court judge was "unsure of the effect of these measures, so he continued the watermaster's authority to release water as necessary." Id. Expressly declining to decide the scope of the Yakima Indian Nation's treaty fishing rights, Id. at n.5, the Ninth Circuit found that the district court judge had fashioned a reasonable remedy. Id.

The message in Kittitas is clear. Federal agencies are obligated to exercise their authorities in a manner that will protect -- not degrade -- the habitat needed to support anadromous fish. In addition, when addressing anadromous fish habitat needs, various measures may be utilized, but the final choice turns not on traditional notions of agency expertise, but on the biological needs of the fish.

MAGNITUDE OF FISHERIES RESERVED BY TREATY

The Forest Service's duty to protect and enhance anadromous fish habitat does not cease once a fish run becomes viable. The tribes did not reserve a right to take a few fish from a meager run struggling for survival. Some might argue that the Columbia River treaty tribes reserved the right to continue harvesting that number of fish that they had traditionally harvested. Obviously, that harvest level is not yet possible given the contemporary depleted fisheries. The Supreme Court has held that both Indian and non-Indian fishermen possess a right, "secured by treaty, to take a fair share of the available fish." Passenger Fishing Vessel, 443 U.S. at 684-85. The court determined that Indian harvest allocation should not exceed 50% of the harvestable fish. Id. at 685-86. The Court then declared:

It bears repeating, however, that the 50% figure imposes a maximum but not a minimum allocation . . . [T]he central principle here must be that Indian treaty rights to a natural resource, that once was thoroughly exclusively exploited by the Indians, secures so much as, but not more than, is necessary to provide the Indians with a livelihood--that is to say, a moderate living. Accordingly, while the maximum possible allocation to the Indians is fixed at 50%, the minimum is not; the latter will, upon proper submissions to the district court, be modified in response to changing circumstances. Id. at 686-87.

Perhaps the reason why this "moderate living standard" unearthed by the Supreme Court has not proven to be a truly thorny problem in Pacific Northwest fisheries management is because no one can reasonably contend that the Indians' harvest presently yields a moderate living. This fact was implicitly acknowledged by the Supreme Court in Passenger Fishing Vessel when it stated that the 50% ceiling on the Indians' harvest allocation was necessary "to prevent their needs from exhausting the entire resource and thereby frustrating the treaty right of 'all [other] citizens of the territory.'" Id. at 686.

Regardless of what the term "moderate living standard" means, it will eventually be defined by the judiciary -- not a federal agency. See Id. at 687. As discussed earlier, the Ninth Circuit has already determined that federal agencies must refrain from taking actions that will reduce the number of fish in a depleted run. See Kittitas, 763 F.2d at 1035. Nor does this duty cease when an anadromous fish run manages to increase its numbers beyond the dangerous level of minimum viability. In United States v. Adair, 723 F.2d 1394 (9th Cir. 1984), the Ninth Circuit stated that:

Implicit in this "moderate living" standard is the conclusion that Indian tribes are not generally entitled to the same level of exclusive use and exploitation of a natural resource that they enjoyed at the time that they entered into the treaty reserving their interest in the resource. Unless, of course, no lesser level will supply them with a moderate living. Id. at 1415 (emphasis added).

Here the Ninth Circuit has indicated that the Klamaths must be allowed to achieve their "moderate living." No one knows what that is. The Court explicitly stated the possibility that the "moderate living standard" may only be achieved by allowing the tribe to enjoy the "same level of exclusive use and exploitation" it had at the time the treaty was concluded. Id. The purport of this holding is clear. Federal agencies owe a duty to refrain from activities that will interfere with the fulfillment of treaty rights. Moreover, this duty cannot be performed by engaging in an "accommodation" or "balancing" process between Indian treaty rights and a competing economic interest such as timber harvest. Any such "accommodation" reached by the Forest Service would amount to a de facto abrogation of Indian treaty rights. In the context of forest management, unless the Forest Service can demonstrate that the tribes' treaty rights are presently being fulfilled, it cannot justify approving activities in the forests that will cause further degradation of anadromous fish habitat.

THE NATIONAL FOREST MANAGEMENT ACT MANDATES COORDINATION

The Forest Service is only one of the many entities involved in the complex interactions that have caused the diminution of anadromous fish runs to their present state. Columbia River hydroelectric development and other downstream problems have done grievous harm to the basin's fish runs. While the Forest Service can rightfully blame downstream problems for much of the harm inflicted on anadromous fish, such blame does not obviate the Forest Service's responsibility to protect anadromous fish and the need for all parties with management authority that affects these fish to work together to improve the fishery resources.

In dealing with anadromous fish, the Forest Service must look beyond the boundaries of a given national forest. Columbia River stocks of anadromous fish migrate as far inland as the Bitterroot National Forest and as far north as Alaska. As the Pacific Northwest has come to realize, the anadromous fish runs can only be restored if state, federal, and tribal land, water, and wildlife managers adopt a coordinated "gravel-to-gravel" management approach to this valuable and mobile renewable resource.

This approach is reflected by the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program. The Fish and Wildlife Program, mandated by the Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. Section 839b (1982), encompasses the Columbia River and its tributaries and will be financed by Pacific Northwest ratepayers. This comprehensive protection, mitigation, and enhancement effort does not appear to be integrated into the DEIS or proposed plan. Nor were the increased fish returns made possible by the recently concluded United States/Canada Salmon Interception Treaty. See 16 U.S.C. Section 8396 (1985 Supp.), mentioned in either document.

These efforts, along with the Salmon and Steelhead Enhancement Act, have changed the complexion of fisheries management in the Columbia Basin. The success of both the Salmon Interception Treaty and the Fish and Wildlife Program turn upon maximizing utilization of the anadromous fish habitat in Columbia River tributaries. A large percentage of these tributaries run through national forests. The Forest Service must acknowledge its responsibilities to act in concert with these policies. The Forest Service cannot make a reasoned decision with respect to anadromous fish habitat if it does not factor these activities into its decision-making process. The Pacific Northwest cannot afford to spend money enhancing fisheries that are simultaneously being degraded by timber harvest, road-building, and grazing.

Forest Service coordination with Pacific Northwest fisheries enhancement activities is not only sound policy; it is also required by law. Forest Service regulations declare that a review of state, federal, and tribal planning and land use activities shall be included in the forest plan EIS. See 36 C.F.R. Section 219.7 (a)-(c) (1984). In addition, the regulations provide that this review shall consider the objectives of federal, state, local, and tribal governments, inter-related impacts of these plans, and a decision by the Forest Service on how each forest plan shall address these inter-related impacts. Id. at (c)(1)-(4). Among the objectives of federal, state, and tribal governments are the fish production plans currently being formulated under the auspices of United States v. Oregon, the Fish and Wildlife Program, and the Salmon Interception Treaty. The Malheur National Forest DEIS and proposed plan do not reflect the consideration of these processes required by the NFMA.

TRUST RESPONSIBILITY

The trust responsibility is that special relationship between the United States and Indian tribes that originated in Cherokee Nation v. Georgia, 30 U.S. (5Pet.) 1 (1831) where the Supreme Court described Indian tribes as "domestic dependent nations" and declared that "their relation to the United States resembles that of a ward to his guardian." Id. at 17. This relationship is part of the very fabric of federal Indian law and it imposes stringent fiduciary standards of conduct on federal agencies in their dealings with Indian tribes. See United States v. Creek Nation, 295 U.S. 103 (1935). See also Northern Cheyenne Tribe v. Hodel, Civ. No. 82-116-BLG (D. Mont. May 28, 1985) at 23.

In Northern Cheyenne Tribe, the court declared that "a federal agency's trust obligation to a tribe extends to actions it takes off a reservation that uniquely impact tribal members or property on a reservation." Id. at 27. In an attempt to save its coal leasing EIS from invalidation, the Secretary of Interior alleged that there was not specific statute or treaty that required the Department to consider the impacts of coal leasing on the tribe as an entity. Id. The Secretary also alleged that his decision to lease the coal was in the "national interest" and "vital to the nation's energy future." Id. at 29. The court declared that:

The Secretary's conflicting responsibilities and federal actions taken in the "national interest," however, do not relieve him of his trust obligations. To the contrary, identifying and fulfilling the trust responsibility is even more important in situations such as the present case where an agency's conflicting goals and responsibilities combines with political pressure asserted by non-Indians can lead federal agencies to compromise or ignore Indian rights.

Id. at 29-30 (citations omitted). Similarly, the Forest Service must not allow its obligations to the Columbia River treaty tribes to become lost in its concern for the local citizenry. It must accord the treaty right special consideration and scrupulous safeguards. Unfortunately, the DEIS did not devote this consideration to the tribes' interests.

Perhaps because none of the treaty tribes' reservations lie within the Malheur National Forest's "local area of influence," effects of forest management activities on the tribes were given scant consideration. However, as discussed earlier, management activities that affect anadromous fish production also affect the tribes' exercise of their treaty rights. The Forest Service owes a duty to not only discuss the effects of forest management activities on the tribes, but also a duty to safeguard resources

of crucial importance to the tribes. This duty is not fulfilled by actions which sanction degradation of fish habitat needed to re-build the Columbia River runs.

GENERAL COMMENTS AND CONCERNS

1. The level of sensitivity of the Malheur National Forest (M.N.F.) toward Treaty Reserved Rights has historically been significantly negligent. The C.T.U.I.R. is also quite aware of the poor relationship that exists with O.D.F.W. because of the lack of reasonable consideration of fisheries and wildlife resources and consistent refusal to utilize O.D.F.W. recommendations. The Malheur National Forest cannot continue to manage fisheries, wildlife, natural resources and cultural values in a vacuum. A stewardship demands responsibility at both forest and regional levels with attendant implementation of timely enhancement and effective protection of the aforementioned values. The C.T.U.I.R. looks forward to working closely with the new forest supervisor and staff in establishing a high level of rapport and open communication.
2. Only by congressional action may federally recognized treaty rights be abrogated. The U.S.F.S. does not possess the authority to abrogate treaty rights by "balancing" the forest plan in a traditional bias toward timber harvest at the compromise or degraded fisheries and wildlife habitat and cultural sites.
3. There was no baseline water quality data presented. How can water quality needs be met, specific protective criteria set, historical management prescriptions be analyzed for effects, and geographical delineation of proposed management strategies take place without adequate baseline information.
4. There were no hard definitions of "satisfactory" or "unsatisfactory" ratings for riparian areas, no idea given as to how much of the total stream miles were inventoried, no separation into class I, II, III, and IV of riparian conditions and maps by stream reach, and O.D.F.W./U.S.F.S. interagency standards were not utilized. Miles of stream in "satisfactory" and "unsatisfactory" condition that are quoted are significantly different than those quoted in the M.N.F. "white paper on fencing of riparian areas to exclude permitted livestock" (11/26/85). What is the reason for this discrepancy?

5. There was no map of soil erosion classes and sensitive soils in particular. All alternatives and each managed strategy should be evaluated in relation to these various soil types for potential impacts.
6. A map of range allotments with information on each allotment condition and trend with intended management plans was not present in any of the documents. This should be contained in the D.E.I.S.
7. Summer thermal cover definitions and winter thermal cover were not clearly separated as to accepted (Thomas, U.S.D.A.) guidelines and correct thermal/hiding/forage ratios were not utilized. Adjacent private land thermal cover, hiding cover and forage was not analyzed and presented to truly give an integrated and adequate assessment of big game home range and the effects of strategies/alternatives.
8. The habitat effectiveness model for elk did not take into consideration road discounts for optimum standards. The obvious basic assumption was more forage, the result of intensive timber harvest and thinning, meant increased populations of elk regardless of other variables such as adequate canopy closure, hiding cover, and road impacts. This is part of the scientific vacuum that the M.N.F. operates in. It is quite clear that M.N.F. Big Game models are designed to enhance timber harvest - biological evaluation and enhancement of big game certainly has not been the primary intention.
9. Elk and deer winter range delineations are incomplete. Deer winter range is not totally synonymous with elk winter range and should be appropriately identified. Why has M.N.F. refused to implement O.D.F.W. recommendations for modifications and additions to winter range classified areas for over two years? It is C.T.U.I.R.'s understanding that the M.N.F. has stated that it will deal with these additions after the final plan is completed. The C.T.U.I.R. strongly recommends that these areas be classified on the forest before the final plan thereby enabling a reasonable judgement of strategy/alternative impacts. To do otherwise would be deficient planning and continuing in the traditional mode of M.N.F. biased "commodity" management without objective consideration of other resource values.
10. Old growth habitat retention and protection were obviously a very low priority in the Malheur National Forest preferred alternative F. A map of old growth was not presented. The C.T.U.I.R. recommends inclusion of a map and information concerning inventoried old

growth. Old growth stands are traditionally preferred by tribal members for elk hunting. Certain bird species indigent to old growth habitat have sacred religious values.

11. A 3.5% of the entire forest allocation to roadless areas in the preferred F alternative is yet another example of low regard for the values these semiprimitive areas provide. Only 2.5% is given the consideration of nonmotorized even though 89% of the total forest is to be exclusively roaded. The watershed values of these already diminished roadless areas were not evaluated in regard to water quality or quantity. Extensive substantiation by B.I.A., O.D.F.W., and U.S.F.S. research throughout the three national forests in the Blue Mountain region indicate an overproportionate use of these roadless areas by elk as opposed to roaded areas and a very strong preference by the hunting public to have such areas for quality recreational experiences as indicated by Oregon Statewide elk workshops (12/83-3/84).
12. There was no analysis or attempt made to consider in an integrated planning approach. The U.S./Canada Salmon Treaty, U.S. v Oregon Subbasin Planning and directives, B.P.A. Enhancement Project Protection, O.W.R.D. John Day Basin Plan, N.W.P.P.C. Subbasin Planning, O.D.F.W. Steelhead Plan, and Wildlife Policy for the State of Oregon (1985). Each of these plans and policies should be effectively evaluated by alternative and strategy guidelines.
13. The monitoring plan for fisheries and water quality was virtually nonexistent. Game and nongame wildlife monitoring provisions were also token at best. Additionally monitoring was subject to "available funding" rather than being directly incorporated into output funding. The C.T.U.I.R. strongly recommends a comprehensive monitoring program similar to the Umatilla National Forest Proposed Land and Resource Management Plan monitoring program be utilized. The Umatilla Forest seems to be light years ahead of the Malheur in this regard -- what is the excuse?
14. Standards and guidelines for the proposed plan were relegated to forest wide standards and best management practices. These F.W.S.'s and B.M.P.'s were very loosely termed by such nomenclature as should, when feasible, where practicable, significant, sufficient, etc., without consistent qualified definitions or these words. Measurable criteria was not utilized leaving application of these F.W.S.'s and B.M.P.'s to purely subjective judgement. In light of historic management of natural resources by the M.N.F. Does the Malheur actually believe that a "trust us" attitude will be

amenable to the C.T.U.I.R. and other resource management agencies?

15. The above mentioned fourteen general comments and concerns only cover the major concerns of the C.T.U.I.R. hopefully, however, they help to point out the great lack of information provided in the proposed plan, D.E.I.S. and appendices. Unless and until appropriate revisions, modifications or a re-draft is accomplished the C.T.U.I.R. cannot reasonably be given an adequate opportunity to comment on a proposed plan that will affect federally recognized treaty rights. The C.T.U.I.R. requests a formal response to this concern in a timely manner before any decision is effectuated of a final forest plan and D.E.I.S. based upon the present draft plan and D.E.I.S.

PROPOSED LAND AND RESOURCE MANAGEMENT PLAN SPECIFIC COMMENTS

- P.II-5 Table II-3 states a decade I projected demand for big game use of 95.1 and a decade I supply of 106.5 - In other words supposedly more supply is available than demand presently. How can this projection and statement have any merit at all in face of the fact that the Malheur National Forest is under limited entry hunting regulations because of limited populations, bull/cow ratios, and buck/doe ratios? All of these ratios and total populations are directly dependent on habitat management provisions, which have become limiting factors on the M.N.F.
- P.II-6 "However, the production potential of the forest is a very small percentage of the total increase necessary in the entire Columbia River Basin to meet demand." What kind of statement of averting responsibility is this? The John Day River system has the greatest salmon and steelhead wild run potential of any Columbia River tributary in the State of Oregon! The original quoted sentence should be deleted and the above sentence referring to wild run potential inserted.
- P.II-6 Under "Recreation" semiprimitive roadless area was not even mentioned. The M.N.F. should at least recognize these already overdemanded areas (1983/1984 State of Oregon Elk Workshops).
- P.II-7 "The implementation of minimum management requirements, forest-wide standards, and management area standards will ensure adequate populations (i.e., supply) of nongame species under this forest Plan." Snake dependent species have not been protected by M.M.R.'s and F.W.S.'s historically--this is well known throughout all three of the Blue Mountain Forests. proposed F.W.S.'s are extremely general with little if any measurable criteria and accompanying attitude of enforcement. The quoted statement should be deleted and a qualified statement that proven, measurable and enforceable M.M.R.'s and F.W.S.'s (yet to be presented by M.N.F.) are necessary.
- P.II-7 "A major factor affecting the forest's ability to supply anadromous fish is the amount of money available to invest in habitat improvement projects and implementation of livestock management strategies which improve unsatisfactory riparian areas." habitat improvement projects are needed for ~~degraded habitat~~ caused by timber management, road impacts, and as you point out above a lack of forest service enforcement or adequate grazing allotment management plans. If the M.N.F. cannot effectively mitigate for timber harvest, road, or grazing it has no business causing

degradation. An attitude of habitat protection is greatly lacking in the proposed plan.

P.II-7 "Forest wide and management area standards will ensure continued populations of resident fish under this forest plan." F.W.S.'s and area standards in the proposed plan are poorly conceived and too general to be objectively implemented. What data and research does the M.N.F. have to validly substantiate the above quote?

P.II-8 "The supply of forage available for livestock grazing under this forest plan will be near historic levels or use. Historic grazing levels have been detrimental to numerous riparian areas across the forest and substantial range areas. Are managed A.U.M. levels in the "unsatisfactory" rated riparian areas to be lowered but somehow recompensed in the total forest A.U.M. levels by the proposed lodgepole clearcutting in riparian areas and extensive tree farm thinning and silvicultural prescriptions thereby creating additional forage? Shifting impacts from one area of the forest to another is not acceptable to the C.T.U.I.R.

P.II-8 "The supply of recreation opportunities available on the Malheur National Forest currently exceeds the demand for all types of recreation." This statement is totally false, should be deleted, and should be replaced with an accurate statement regarding the following points: Habitat management provisions i.e., extensive open road systems, winter range thermal and forage quality and other limiting factors have forced O.D.F.W. to limit hunter harvest and hunter recreation days by limited entry and short seasons. O.D.F.W. has shown demand greater than supply for high quality resident trout fisheries such as the North Fork Malheur River; no salmon sports fishery exists on the M.N.F. due to reduced populations - certainly dependent on optimum habitat - the Northwest is famous for international demand for salmon sport fisheries! 1983/1984 State of Oregon Elk Workshops indicated the number one concern of the hunting public was too many roads and not enough roadless quality hunting areas: C.T.U.I.R./O.D.F.W. Cooperative agreements extremely limit tribal fisheries on the John Day system-these fisheries are recreational as well as subsistence.

P.II-8 "Undeveloped areas' statement reflects the clear intent of the M.N.F. to place a low value on these roadless areas for fisheries and wildlife and watershed values. The M.N.F. has not even attempted to gather and present data on the above mentioned values of these areas. A proposed preferred alternative F reduction of present

roadless increase by 63% for the purpose of fiber productions says it all. "Best available information" unfortunately is quite limited within data files of the M.N.F. or is simply not being adequately utilized.

P.II-8 "Research Needs" - While evaluating the proposed plan and D.E.I.S. perhaps the most evident feature noticed by C.T.U.I.R. staff was the continual lack of baseline data and specific information, creating a host of assumptions in developing outputs and reaching goal statements with no realistically defensible foundation. Water quality baseline data needs are not even mentioned in this section. This entire section is comprehensively deficient. How do sustained yield models have integrity without adequate timber growth data? Why haven't baseline data and research needs been prioritized and effectuated during the last seven years that the M.N.F. has taken to prepare this document?

P.II-9 "Table II-4" This table should reflect the baseline data needs being recommended by C.T.U.I.R., C.R.I.T.F.C., O.D.F.W., D.E.Q., U.S.E.P.A., and U.S.F.W.S.. The C.T.U.I.R. recommends that the M.N.F. correlate/meet with this multiagency group to assure acceptable baseline data needs are met. Data requirements should additionally include nongame species habitat inventory in old growth, road corridor and timber harvest areas; big game population distribution on summer/winter/transitional ranges both on and adjacent to M.N.F. lands; open road density information cover/forage ratios information including adjacent lands to the M.N.F. i.e., B.L.M., state and private areas' watershed, wildlife, fisheries and adequately assessed recreation values of roadless semiorimitive areas; grazing allotment conditions; water quality conditions forestwide by streamreach and class; deer winter range condition and boundaries on and adjacent to M.N.F. lands; and a total riparian condition inventory by reach and class with comprehensive ecosystem analysis - not just streambank and temperature variables.

P.III-1 "Community Stability" - The approximately 1500 members of the Confederated Tribes consider not being able to exercise their treaty right by fishing on the M.N.F. for anadromous fish to any degree a "direct impact". This statement should be so instated here. Natural Resource based economies do not necessarily equate with community stability as has been well evidenced in historic northwest mining, timber and cattle classic boom-bust cycles. True economic diversity must encourage recreation, tourism and other service oriented industries.

P.III-2 "Timber Management" - The M.N.F. has historically harvested timber at rates and by prescriptions that have virtually mined large diameter ponderosa pine from extensive areas and culminated in a final removal of these highly valued lumber and highly valued habitat producing trees. Shifting the majority of the forest to a tree farm, thinned out douglas fir, true fir ecosystem is a far cry from the tremendous attributes of diversified, multi-storied, habitat and high quality lumber providing ponderosa pine sites. The M.N.F. has sacrificed fish and wildlife values and water quality by harvesting 203 MMBF annually -- How can an increase of 27% (203-258) be justified in the face of increased defacto abrogation to the treaty right by piecemeal degradation to long term natural resource values?

P.III-2 "An analysis of the Forest's ability to produce timber indicates that the forest could supply up to 59.2 million cubic feet (326 million board feet) per year on a nondeclining low harvest schedule." What relevance is such a statement to a well balanced forest plan process when it is quite obvious such a harvest level, if actually attainable, would be at the total cost of a completely unnaturally occurring ecosystem on the M.N.F. and subsequent extreme fish, wildlife, and recreation detriment? Such statements and the mentality that accompany them have no place in balanced, legally and productively managed diversified forest for multiple use. A "physical ability of the forest to produce timber" alone does not substantiate a 27% increase in annual harvest as is implied here.

P.III-3 "The desire for old-growth habitat by groups such as Izak Walton League, Audubon Society, Oregon Department of Fish and Wildlife, Oregon Natural Resources Council, and Grant County Conservationists to meet the needs of specific plants and/or animal species or for other reasons would reduce the timber volume available to respond to national and regional demands and to maintain or expand the wood products industry in the community." This statement is an explicit example of the biased attitude which exists within M.N.F. administration and the pitting of natural resource values such as old growth habitat against "national and regional" demands and maintenance of the local wood products industry. The U.S.F.S. and M.N.F. in particular are evidently not on the list of those who desire old growth habitat to meet the needs of specific plants and/or animal species. A mere 3.4% (D.E.I.S. P.5-13) old growth allocation in the preferred alternative is ample evidence of the M.N.F.'s low regard for this value despite the N.F.M.A. multiple use mandate and concept. "Multiple Use" appears to translate into fiber production with all other uses

being subordinate - even federally mandated and protected treaty rights.

P.III-3 "This total sell volume averaging 258 million board feet per year is an increase of 55 million board feet over the timber volume sold over the past 10 years (1977-1986). This increase is proposed to meet increasing demand from local and nonlocal timber industries. Many of these producers are totally dependent on the Forest for raw materials." Here the M.N.F. admits their reasoning for a 55 MMBF average annual cut increase. The entire proposed plan and D.E.I.S. illustrate the fact that other multiple resource considerations did not reasonably formulate this increase.

P.III-4 The quoted drop from 55% to 30% composition of ponderosa pine offered in the preferred plan strongly indicates that an overcut of this species has already taken place and that sustained yield management has not taken place for ponderosa pine.

P.III-4 "Timber harvest on all lands will result in improved big-game cover/forage relationships temporary forage for wildlife and livestock and will promote vegetative diversity." The intended clearcut and overstory removal with extensive thinning practices will create less old growth, less ponderosa pine ecosystems, less thermal cover (as defined by Thomas-Blue Mountain Handbook), less hiding cover, and simply will be directed more toward even aged management. Cover/forage models and definitions in the proposed plan are not accepted (O.D.F.W./U.S.F.S. agreements) models and the M.N.F. did not take into account cover/forage ratios of lands adjacent to the M.N.F.

P.III-4 "about one-third of these elk winter on the forest. Management of big-game herd levels is the responsibility of the State of Oregon. Department of Fish and Wildlife while the USDA Forest Service manages the habitat occurring on the Forest. Mule deer populations have fluctuated during the past forty years and are currently on a downward trend in two of the seven game management units which include the Forest. The limiting habitat factor on big-game populations is winter range. Management of big-game winter range for elk will provide for the wintering needs of mule deer as well since available mule deer winter range is minimal and overlaps with elk winter range.

All the winter ranges have more than enough forage (grass and grass-like species) to carry both the present number of livestock and the present number of

wintering elk. Ranchers on private land adjacent to the Forest are concerned about the movement of elk off of the Forest to winter and spring range on private land. The increased potential for the Forest to carry larger populations of elk will also increase the potential for more elk to winter on private land. The State management objective for big-game populations for Game Management Units which occur on the Malheur National Forest is to supply winter habitat for approximately 2,800 elk

- 1) A greater number of elk and deer would winter on the Forest if better protective criteria and management took place on winter range. Cattle should be removed from winter range by October 1 to preserve fall green up for wildlife forage needs. The lack of fall greenup this year clearly points out the validity of such management. Vehicular and snowmobile traffic must be withdrawn from all winter range with the exception of main arterials and collector roads to enable habitat effectiveness. Thermal and hiding cover must be up to standards. (Thomas-Blue Mountain Handbook) and provide for deficiencies of adjacent lands.
- 2) Mule deer winter range is not synonymous with elk winter range necessarily and additional areas identified by O.D.F.W. should be immediately implemented to increase utilization of national forest. This will help alleviate burden on ranchers and help buffer private land impacts on winter range.
- 3) The M.N.F. should adopt an aggressive attitude of optimally providing both quality winter and summer habitat for big game. Several areas adjacent to M.N.F. lands exist where elk have sought out year-long residency to avoid high density open road use impacts and poor habitat conditions.
- 4) Please present specific data that substantiates the blanket statement that "all the winter ranges have more than enough forage". This should include range condition by each allotment/winter range area.
- 5) Past management philosophy of the M.N.F. has been to virtually eliminate themselves from responsibility and commitment toward quality management of big game populations, composition, and hunter recreation days. O.D.F.W.'s recommendations have been, for the most part, not addressed by M.N.F. over the last seven years. Only a genuine and highly integrated

habitat/population management scenario is sufficient for today's complex comprehensive planning and implementation needs. The C.T.U.I.R. by virtue of the treaty right should be an integral part of this process.

P.II-5

"Most hunters are not concerned specifically about population numbers but are more concerned about the length of the hunting season opportunities for success and whether hunting will be on a limited entry basis that would reduce their hunting freedom." This statement is very misleading and should be modified to portray the fact that two game management units, Northside and Murderer's Creek for mule deer are below 1981 established objectives. Thomas, Leckenby and other well respected researchers have strong apprehensions of current U.S.F.S. big game habitat management and the ability of populations and compositions to maintain themselves. C.T.U.I.R., O.D.F.W., and the public at large also are skeptical or long term sustaiment and enhancement of population and composition levels. Although state objective levels may be reached distribution throughout watershed and home range areas may not be sufficient. As previously stated in C.T.U.I.R. comments, the courts have clearly stated that fish must be present to catch in order for the treaty right to be exercised. If, by virtue of M.N.F. habitat management impacts, an area or watershed traditionally used by tribal members to hunt big game becomes deficient or elk or deer the opportunity to exercise the treaty right in that area also becomes deficient and an inherent de facto abrogation exists.

P.III-5

The M.N.F. cannot legitimately state: "Presently the Malheur National Forest cover/forage ratio of 71/29 provides too much cover to provide optimum big-game habitat. Timber management activities have improved, and can further improve the balance and distribution of cover and forage. As a result population numbers have increased and are expected to continue to increase." Adjacent land cover/forage ratio's were not considered and in light of C.T.U.I.R./O.D.F.W. and other agencies including U.S.F.S. National Forests and Research stations that disagree with M.N.F. models, this statement should be deleted and replaced with a statement that reflects each of the aforementioned points specifically.

P.III-5

"The Forest activity that - most affects the management actions of O.D.F.W. to meet its population objectives is the control of access for hunters using motorized vehicles." Add - thinning, clearcutting and other prescriptions affects hiding and thermal cover for big game also.

P.III-5 The discussion under "RESOLUTION" is replete with assumptions based on erroneous models, incorrect and unqualified summer thermal and winter thermal cover definitions, no cumulative assessment in terms of adjacent lands and no regard for roading discount variables, etc.. This entire section should reflect each of the above considerations and not make such unsubstantiated statements as currently exist in the text. The private land use section is very misleading. The impact of M.N.F road activity year long is a major reason for increased private land use and should be so stated. "Forage improvements" will increase use on M.N.F. winter range if they refer to forage quality not necessarily more opened harvested and thinned areas deficient of crucial hiding and thermal cover. Fall green-up must be prioritized for big game winter range use - not overutilized by cattle.

P.III-6 With the increase in available forage and the maintenance of livestock numbers near present levels, there should not be competition between elk and domestic livestock for available forage on the National Forest. Future management will ensure adequate forage for both through the implementation of management standards. Increased quantity of forage due to thinning and harvesting is not an acceptable trade off with loss of needed thermal and hiding cover for big game.

P.III-6 "National environmental groups (Izaak Walton League, Audubon Society, Sierra Club, etc.) believe that overgrazing and unregulated livestock use of these areas results in a loss of streamside vegetation, increased water temperature, excessive bank erosion, and accelerated sedimentation of gravel fish-spawning areas. These groups have raised riparian management concerns to a national level, often calling for elimination of grazing. They urge that these areas receive special attention in land management planning. This is reflected in the special mention of riparian area management in the NFMA regulations. Not necessarily by M.N.F choice and desired direction.

Locally, environmental groups, Indian tribes and the Columbia River Intertribal Fish Commission, and other agencies such as Oregon Department of Fish and Wildlife and the Environmental Protection Agency share these concerns to varying degrees."

This is another example of the M.N.F. pitting natural resource concerned entities against industry. Apparently the M.N.F. does not identify itself with those who "believe that overgrazing and unregulated livestock use" results in the above quoted impacts.

but rather poorly pretends to be the mediator. Stewardship responsibility on the part of the M.N.F. is highly lacking.

P.III-G "The majority (95 percent) of the riparian areas on the Forest are in a satisfactory condition. Only 5 percent, 235 stream miles have been inventoried as unsatisfactory based on extensive areas of unstable, eroding banks and lack of stream surface shading however, these areas are in an improving condition. Although past logging practices, roads adjacent to streams, insect outbreaks, and fires can and have affected the riparian areas on the Forest, the largest impacts on stream temperature and the majority of the gullies in unsatisfactory riparian areas have been caused by reduction of hardwoods in these areas due to past livestock grazing practices and wildlife use."

The statistics states above are only assumptions without merit due to incomplete total inventory of all streams. Specifically identify and define with measureable criteria the ratings of "satisfactory", "unsatisfactory", "extensive" and "improving". Please provide data and documentation of wildlife causing "the largest impacts on stream temperature and majority of gullies... etc.". It is amazing to see the not so subtle attempt to blame wildlife for whatever impact or conflict of interest that the M.N.F. may deem supportive of their strategy.

P.III-7 "There are opportunities to increase the rate of improvement in riparian areas often these will reduce the amount of riparian areas available to livestock grazing for some period of time."

This statement conveys the idea that M.N.F. feels justified in continuing to graze in degraded riparian areas because of livestock demand regardless of actual need and opportunity to protect - planned maintenance of A.U.M. levels in the preferred alternative indicate this.

P.III-7 "In those riparian areas in satisfactory condition up to 55 percent of the annually available growth of grasses can be utilized. Riparian shrub use will be limited to not greater than 50 percent of the annual available growth." "Satisfactory Condition" has been based only on erosion/gullying and water temperatures below "extensive" ratings without qualification. What types of shrub use will be maintained -- non-palatable species to livestock? Who decided "55" and "50" percent were acceptable and on what specific biological basis? Where is the data base information to support

this?

- P.III-7 Certain riparian areas on the M.N.F. have greatly impacted young cottonwood shrubs for example. Composition quality of the naturally occurring riparian ecosystem must be maintained. What quality control measures, admittedly not taken in the past by M.N.F., will insure enforcement of adequate grazing controls?
- P.III-7 "Instream habitat improvements will occur over 1.5 miles of stream annually" - How is this supposed to keep up with impacts of 258 million board feet harvest annually, extensive riparian lodgepole clearcuts, 116,000 annually allocated A.U.M.'s, and over 8500 miles of roads planned - many of which are in the riparian?
- P.III-7 "The end result of these improvements is that overall anadromous fish numbers are expected to more than double by the year 2037," the M.N.F. should specifically identify the portion of the doubling of the run that will be attributed to their efforts and properly qualify the substantiation.
- P.III-8 "Roadless Areas" why is no new wilderness recommended when the national demand for such areas is high and on a steady long term increase? The exceptionally high values of the pine creek area merit serious consideration for wilderness area classification. The big game habitat, old growth ecosystem, bald eagle habitat and watershed values far outweigh the timber values that could be economically extracted. Not one alternative considered inclusion of pine creek roadless area into wilderness. Has M.N.F. taken it upon themselves to set wilderness policy without public opportunity to reasonably consider and provide input into the planning process? The Malheur National Forest is well in line with the rest of the Blue Mountain Forests in already having eliminated most roadless areas and establishing some of the highest road densities in the nation on national forests. The preferred plan to further eliminate 63% of the existing semiprimitive roadless areas and leave a meager 3.5 % of the forest outside wilderness and the scenic area is tipping the balance scale of multiple use to the point past the stop and absolving the original purpose of the instrument. Even if the entire 180,948 acres of undeveloped areas were retained in roadless classification the additional computation of Strawberry and Monument Rock Wilderness and Vinegar Hill-Indian Rock Scenic Area acreage would bring the total to less than 20% of the entire forest. 80% roaded 20% unroaded certainly does not seem overbalanced in favor of roadless area values to the C.T.U.I.R., but apparently

is to the M.N.F. administration. The C.T.U.I.R. recommends very strongly that 100% of existing roadless area be retained and that no motorized use be allowed in these areas. 7,000 miles of existing roads is more than ample for motorized use.

- P.IV-1 "2. Provide for a distribution and variety of developed recreation facilities that are consistent with public demand for activities and experiences and are compatible with a forest environment." Is the M.N.F. management of Big Creek campground in Logan Valley such an example? Most of the beautiful old growth ponderosa pine in this campground were marked with blue paint to be cut and then repainted with black paint. The blue paint remains outside the campground fence even though this oasis in the middle of a large high elevation prairie is home to nesting sandhill cranes, of high cultural value, and adjacent a diverse stream/aquatic ecosystem. On one visit this summer the C.T.U.I.R. staff photographed a number of cattle inside the campground fence and the accompanying dustbowl that was created. On another occasion it took several minutes to get through all the cattle adjacent to the outside fence while driving out of the campground. This type of situation should be an embarrassment to the M.N.F. administration but obviously is not enough to stop harvest of this island of trees or curtail grazing impacts. The M.N.F. proposed plan to diminish campground services and the aforementioned type of management situation on Big Creek campground are opposed by the C.T.U.I.R.
- P.IV-2 "26. Provide a favorable flow of water (quantity, quality, and timing)" twenty years of research data on the nearby Umatilla Barometer Watershed indicates strongly that current U.S.F.S. harvest prescriptions increase surface runoff of water. It seems quite reasonable that a subsequent higher potential of streambank erosion, siltation, and other aquatic damage may be the result. B.P.A., O.D.F.W., Tribal, and U.S.F.S. fisheries enhancement efforts and the tremendous associated costs of such projects cannot afford detrimental impacts. The M.N.F. has not even attempted to evaluate cumulative watershed impacts. This should be done in relation to each alternative and in relation to protection standards of each management strategy.
- P.IV-5 "Approximately 5,000 acres of wildlife habitat improvements will have been completed by the end of the first decade." That would be an annual average of only 500 acres. A couple of good sized prescribed burns for big game range improvements could amount to 5000 acres. Why so meager an effort in wildlife enhancement?

P.IV-5 "There will be 14 fewer developed campgrounds." The C.T.U.I.R. opposed this proposal by the M.N.F. to reduce recreation facilities on the forest. The M.N.F. seems to indicate a low demand for these campgrounds--if so the low use pattern would require low maintenance requirements and associated costs. The national demand for such facilities is on the rise not decline and M.N.F. policy should reflect this.

P.IV-7 "Approximately 1469 miles of road will have been constructed. Virtually all available and suitable commercial forest land will be accessed." Past transportation plans have not reasonably utilized tribal and O.D.F.W. input into big game, erosion, direct habitat loss, recreational values, and cavity nesting (snag retention) impacts. The proposed plan and D.E.I.S. are quite deficient in this regard and adequate information needs to be supplied for reasonable analysis and input by the C.T.U.I.R. The very high density of existing roads is of great concern to the C.T.U.I.R. particularly with the open road policies of the M.N.F. excepting a very small percentage of roads closed for a few weeks of hunting season. The M.N.F. manages the forest habitat and any negative impacts caused by that management are the M.N.F.'s responsibility. The U.S.F.S., including the M.N.F. has had the policy of placing road management closure and enforcement costs on O.D.F.W. The U.S.F.S. is responsible for impacts, not O.D.F.W., and the M.N.F. has a direct and inherent management responsibility and accountability in this regard. If inadequate funding levels are the problem then a road should not be built that cannot be mitigated for. The C.T.U.I.R. is very willing to work with M.N.F., O.D.F.W., the wood products industry, etc., in solving these problems. The Umatilla Forest has proposed a 2.5 miles per square mile open road density forest wide. Though the C.T.U.I.R. recommends a 1.5/sq.mi. density at least the Umatilla is striving to protect wildlife values. The M.N.F. should implement such open road densities very seriously and develop transportation plans accordingly.

P.IV-22 "Wildlife". Mule deer are not mentioned in this section and are supposedly taken care of in other portions of the proposed plan and D.E.I.S. under elk habitat provisions. Mule deer have not been historically adequately protected. The loss of hunter recreation days by virtue of limited entry and short seasons plus two game management units that are below state objective levels are evidence of that fact. C.T.U.I.R. recommends that mule deer become an identified indicator species.

P.IV-12 "Emphasize uneven-aged management on 32,883 acres in riparian areas. In lodgepole pine riparian stands (4,257 acres) emphasize even-aged management." The extremely high values of the riparian system for watershed buffers, fisheries, non-game species, big game travel corridors, etc. merit staunch protection. The economic value of timber in the 3% portion of the entire forest identified to be in the riparian allocation (table S-2, D.E.I.S.) is in no way comparable to these aforementioned values. The C.T.U.I.R. recommends no-cut buffer zones of 100 ft. minimum on each side of all perennial, anadromous, and resident fish streams. Resident trout streams are very much a concern to the C.T.U.I.R. as these fish are traditionally utilized by the Tribes and legally protected by the 1855 Treaty right.

P.IV-20 "(c) It is not necessary to meet wildlife tree requirements on every acre: retain the desired number of trees, generally, on a total resource information compartment basis." In other words one clump of old growth might qualify an entire T.R.I. compartment for adequate snag level requirements? This is a highly subjective assumption on the part of M.N.F. The C.T.U.I.R. recommends State of Oregon objective levels and policy be utilized as minimum population and composition levels for game and non-game species.

P.IV-21 "Timber". The M.N.F. should include their disease and pest damaged stand maps and inventories and realistic impacts of harvesting these stands particularly with regard to the exception rule or larger than 40 acre clearcuts.

P.IV-22 "5. A harvested area of commercial forest land will no longer be considered a created opening for silvicultural purposes when stocking surveys carried out in accordance with Regional instructions indicate prescribed tree stocking is at least 4 1/2 feet high and free to grow." Hiding cover needs of elk dictate a minimum of 10-12 feet high standards according to Thomas (Blue Mountain Guidebook) 4 1/2 feet is totally inadequate to hide a standing elk not to mention intended thinning prescriptions by M.N.F.

P.IV-22 "However, a reforestation period of more than 5 years may be planned to meet economic and other resource management objectives." There, in effect, is no guarantee of 5 year reforestation nor adequate reforestation levels within that time. There are plenty of existing areas on the M.N.F. where reforestation has not worked and the C.T.U.I.R. is concerned with this issue. Economic and viable reforestation efforts must be improved in order to

substantiate harvest of a particular stand and initiate prescriptions for a site. Timber sale funding must provide for economic needs or reforestation efforts.

- P.IV-32 "2. Thin planted or natural stands to desired stocking levels by the time trees are 20 years old." So theoretically all stands under general forest management will be thinned by the time they are 20 years old. What is the effect to hiding and thermal cover to big game, grouse, and non-game species? The C.T.U.I.R. supports a responsible stewardship over the entire forest which does not include a biological desert on the timber managed portion.
- P.IV-35 "Management area 2-rangeland (95,626 acres)... "Goals". This goal should specifically state forage is to be managed to enhance wildlife and also fisheries (riparian areas). Livestock forage need are important and integrated with wildlife needs but should not have priority over wildlife/watershed values.
- P.IV-37 "Management area 3 - ... riparian" A specific inventory should be undertaken to identify all riparian zones and their conditions.
- P.J-1 The monitoring section is extremely weak and should be modeled similar to the Umatilla Forest proposed forest plan monitoring program. Funding must be directly tied to planned output activities - not subject to current budget deficit cuts and therefore be uncertain. Monitoring schedules are in great need of more frequent implementation and reporting periods. The reporting, in many cases, needs to be on an annual basis in order for effective C.T.U.I.R., U.S.F.S., and O.D.F.W. management of fisheries and wildlife.

PROPOSED PLAN AND D.E.I.S. SPECIFIC COMMENTS SUMMARY

The C.T.U.I.R.'s thoughts concerning the integrity of the proposed plan and D.E.I.S. should be well noted by the preceding comments. The C.T.U.I.R. does not have adequate staff or time to, in essence, strive to rewrite the entire documents presented. The U.S.F.S. has that responsibility but unfortunately has produced a document of highly questionable worth. The concerns, comments, and recommendations contained in the preceding sections also apply to the D.E.I.S. It is important to note at this time that the C.T.U.I.R. supports the revised draft edition of State of Oregon O.D.F.W. comments to the M.N.F. proposed plan and D.E.I.S. Review of final O.D.F.W. comments was not possible before the comment submission deadline to the M.N.F. The aforementioned O.D.F.W. comments are enclosed. The "citizen's multiple use alternative" comments on roadless areas are also supported by the C.T.U.I.R. It is important to reiterate the desire of the C.T.U.I.R. to work with the M.N.F. and Region 6 in solving what the tribe contends as serious de facto abrogation of the 1855 Treaty Right. Whether or not the forest planning process will sufficiently address this issue remains to be seen. The Confederated Tribe are hopeful of resolving the issue's in a planning process forum rather than being forced to take legal action.

EUGENE D TIMMS
HARNEY, LAKE MALHEUR, GRANT
BAKER, CROOK & MORROW COUNTIES
DISTRICT 30

REPLY TO ADDRESS INDICATED:

- ☐ S-302
State Capitol
Salem, Oregon 97310-1347
☐ 1049 N. Court
Burns, Oregon 97720



OREGON STATE SENATE
SALEM OREGON
97310-1347

Forest Supervisor
Page 2
November 22, 1987

November 22, 1987

Forest Supervisor
Malheur National Forest
139 NE Dayton Street
John Day, OR 97845

Dear Forest Supervisor:

I am writing in regard to the Malheur Forest Ten Year Plan. First, I have six national forests in my senatorial district and it certainly isn't easy to evaluate the studies in all forests. My father at one time was the District Forest Ranger for the Malheur Forest and I have been raised in this environment all of my life.

The sustained yield basis relating to the allowable cut has been an argument of timber interest for years in this country. Since becoming a legislator I am astonished at the power the environmental community has with so little factual information. I guess the power comes from political clout! In Eastern Oregon we are all environmentalist and certainly want what is right for the future of our cities in the long run.

I believe the ten year plan should reflect a 260 million board feet target per year. This target could be achieved by adding back all of the roadless areas into the full multiple use category, plus removing 6,500 acres from the recommended 50,000 acres of restricted old growth material.

Wilderness designation has hurt the allowable cut in many forests. All areas not under this designation should be returned to multiple use.

Roads for timber sales should be closed after sales and the standard for their construction should be lowered. Construction of these roads should be sensitive to watershed and wildlife habitat.

Grazing should be maintained at 121,000 AUMs. My experience as an elk and deer hunter is that wildlife is continuing to move to lower ranges. Much of this habitat is on private property out of the national forests. Grazing properly

controlled is a good management tool.

The "Preferred Plus Plan" I feel is the preferable plan. We need better management and with wilderness preferably out of the way, we need a multi-purpose concept of forest management. The United States Forest Service must provide a sustained yield management long range program.

Thank you for the opportunity to answer the Malheur Forest Plan.

Sincerely yours,

A handwritten signature in cursive script that reads "Gene".

Eugene "Gene" Timms
State Senator
District 30

EDT/ee

Dear Forest Supervisor

Please consider the following comments as my response to the Malheur's Draft Forest Plan

1. I want the Malheur National Forest managed under the following alternative (check one):

☒ Alternative "Preferred-Plus" ☐ The Forest's draft plan as proposed.

☐ Other

2. I think the final plan's annual timber sale program ceiling for the next 10 years should be

☐ Set at 270 million board feet/year as allowed in the Forest's current management plan

☒ Set at 245 million board feet/year as proposed in the Forest's new draft plan

☐ Set at the level achievable under Alternative "Preferred-Plus," approximately 260 million board feet/year

3. I think the final plan's level of permitted grazing use should be.

☐ Maintained at the current 117 thousand AUM's/year

☐ Increased

☒ Decreased

4. I support seasonal road closures to enhance elk and deer habitat and to provide quality hunting opportunities

☒ Yes

☐ No

5. I think the roadless lands Congress did not designate as Wilderness should be managed for:

☐ Multiple uses

☒ Roadless recreation only

COMMENTS

I would like to see the allowable cut to be in the 200 MAF range to ensure that my children are able to enjoy the Malheur Forest as I have been able to. If this isn't large enough so by it use can enjoy our trees longer. If 345-370 MAF turned out to be like much we cannot replace those big trees.

(Signed) *Arthur Clark Hunt Co. Commissioner* Address *Box 100 John Day Ore*

THE COMMENT DEADLINE IS NOVEMBER 12



United States Department of the Interior

OFFICE OF ENVIRONMENTAL PROJECT REVIEW
500 N E MULTNOMAH STREET, SUITE 1692
PORTLAND, OREGON 97232



November 23, 1987

ER87/1055

Charles R. Graham,
Acting Forest Supervisor
Malheur National Forest
139 NE Dayton St.
John Day, Oregon 97845

Dear Mr. Graham:

The Department of Interior has reviewed the Draft Environmental Impact Statement (DEIS) and Proposed Land and Resource Management Plan (PLRMP) for the Malheur National Forest, Oregon. The following comments are provided for use and consideration when preparing the final documents

GENERAL COMMENTS

Fish and Wildlife Resources

The Fish and Wildlife Service (FWS) believes the draft documents lack adequate baseline information for fish and wildlife resources. They also believe the guidelines and standards affecting fish and wildlife resources are not measurable as presented. Both documents contain numerous assumptions, especially concerning fish and wildlife resources, which are not substantiated. Both documents fail to identify specifically how, when and where fish and/or wildlife mitigating and/or enhancement actions are to be achieved. Specific information is also lacking in the following general areas: 1) big game numbers; 2) water quality and quantity data, 3) inventoried condition and classification of riparian areas; 4) distribution of old growth areas; 5) road management; and 6) grazing allotments.

Threatened and Endangered Species

This discussion should be expanded in the final EIS to include the following information:

There are no endangered or threatened fish on the Malheur National Forest. However, two category 2 candidate species are present. These are the redband trout, Salmo sp., and the Malheur mottled sculpin, Cottus bairdi ssp.

Redband trout, Salmo sp.

Neither the Proposed Land and Resource Management Plan (PLRMP) nor the Draft Environmental Impact Statement (DEIS) recognizes the presence of the redband trout.

The omission is not an oversight, but rather a belief that because the taxonomy of redband trout is uncertain the Forest Service does not need to afford it special protection. This is an unfortunate position because the native trout is a unique genetic resource regardless of its taxonomy and should be identified in the plan. The taxon is unique, whether ultimately it is called a redband trout, a subspecies of redband, or a subspecies of some inland rainbow.

The Forest Service should recognize the redband trout (apparently mentioned in the plan as inland native rainbow) as a unique genetic resource and a sensitive species. Locations where the redband trout occur should be identified in the Final EIS. In its present form, the plan only notes whether a drainage supports a "trout fishery" (DEIS, Page III-46). The plan should, however, make a distinction between streams that support redband (inland native rainbow), hatchery rainbows, or a mixture of the two. Special management should be afforded those streams supporting redband trout.

The plan should explain what is known about the taxonomy of redband trout. The Forest Service may want to describe how they intend to deal with changes as the taxonomy is resolved.

Malheur mottled sculpin, Cottus bairdi ssp.

The DEIS recognizes the Malheur mottled sculpin as a sensitive species (Page III-40). This fish probably occurs in only a few scattered streams in the Harney Basin, including in Rattlesnake Creek. Dr. Carl Bond of Oregon State University reported to FWS (pers. comm.) that the Malheur mottled sculpin also occurs in Devine and Poison Creeks. These streams are, in part, in the Burns District of the Malheur National Forest. Management for this fish should include protection and monitoring of known habitats, plus surveys for this fish in other forest streams that flow into the Harney Basin.

Questions concerning either species of fish should be directed to:

Jack E. Williams
U.S. Fish and Wildlife Service
c/o Department of Wildlife and Fisheries Biology
University of California
Davis, California 95616
(916) 978-4866 or 4873

Riparian Areas

The discussion on page S-10, third paragraph (DEIS) says 95 percent of riparian areas in the forest are in a "satisfactory" condition, and that only 5 percent are unsatisfactory. However, there are no studies, standards, inventories or data referenced to support these percentages, consequently, the proposed protection level for riparian areas from grazing may be inadequate to restore and protect fish and wildlife values of the Forest's riparian areas. The final document should include supporting documentation of the aforementioned percentages and clearly define the terms "satisfactory" and "unsatisfactory".

Under each alternative in Chapter II, DEIS, under "Riparian Area Management and

Fisheries Habitat" is the following statement:

"The riparian area and fisheries management goal is to manage all riparian areas to meet Oregon State water quality standards and maintain or improve anadromous fish habitat. Improvement in resident trout habitat would generally be achieved through improvement in riparian condition rather than by habitat improvement work occurring in the stream itself. Structural habitat improvement work would generally be for mitigation only."

This statement is too general. In the final document, it should be expanded to include specific information as to how fish habitat and riparian areas will be managed to meet water quality standards and subsequently monitored. Specific improvements to the riparian condition to achieve fish habitat enhancement should also be explained. (Other concerns relative to riparian areas follow below under Specific Comments.)

Cultural Resources

The Forest Plan/DEIS treats cultural resources as if they are qualitatively different from other environmental resources and can be handled routinely on an individual basis. Cultural resources, however, are subject to the same kinds of cumulative impacts as other resources, and they are connected by prehistoric and historic contexts that can be destroyed by agency actions in the same way as ecological contexts. Today's standards attempt to establish the context of discovered cultural resources in advance, and it is not adequate to continue their identification and management solely on a project-by-project basis.

The policy of not leaving discovered sites in the Class II "Unevaluated" category is laudable, but does this mean that the Forest has, or plans, a program of followup testing to better understand the significance of sites identified by surface survey? Already, 391 historic and 623 prehistoric sites have been found in 633,000 acres surveyed. What is the breakdown in number of Class I "Evaluated" vs. Class II sites? How many of the prehistoric and historic sites yielded sufficient surface evidence that their significance could be properly evaluated? How many needed subsurface testing to properly understand their significance and appropriate treatment or disposition? These questions should be addressed in the EIS.

The final EIS should also provide assurance that the evaluations of discovered prehistoric and historic sites are not premature, i.e., conducted in the absence of testing needed to properly understand their significance. Without such testing, there are, all too often, misconceptions about significance and the result is selection of inappropriate mitigation or management treatment.

The DEIS does not indicate whether the Forest intends to carry out Section 110 (National Historic Preservation Act) systematic survey guided by drainagewide, regionwide, or statewide research goals extending beyond the project level. Planning should be undertaken now in cooperation with the State Historic Preservation Officer. The selection of cultural resource management alternatives does not have to await completion of the State Historic Preservation Plan (DEIS, p. IV-64).

Mineral Resources

Locatable and saleable minerals are generally well covered in the PLRMP. Production of saleable minerals for local and Forest uses should have been included, along with a discussion of present locatable mineral activity. The latter could be readily achieved by

describing the number and approximate location of active notices and plans of operations.

The one paragraph devoted to geothermal resources (DEIS, page III-88) addressed resource development, but did not cover resource potential except on an outdated USGS map. A more up-to-date source would be the "Geothermal Resources Of Oregon" map of 1982 produced jointly by the State of Oregon and the U.S. Department of Energy. That map shows the entire planning area as a region favorable for discovery of shallow thermal waters of sufficient temperature for direct heat applications, as well as several hot springs.

The PLRMP should have a mineral potential map. The map on page III-83 of the DEIS meets the minimum criteria; however, it should be at the same scale as the management alternative maps for ease of comparison. The best examples are in plans for the Kootenai National Forest, Montana, and the Okanogan National Forest, Washington.

For each of the roadless areas reviewed in DEIS Appendix C, there should be a discussion and illustrations of the mineral potential. The discussion of minerals is brief, and none of the illustrations of roadless areas give any indication of areas of mineral potential. Impacts of Alternatives on mineral accessibility and secondary impacts of such accessibility also need to be described.

Table IV-13, DEIS, could be expanded to include the restriction classification system as shown in table II-11, pages II-71 and II-72 from the Beaverhead National Forest DEIS. Bureau of Mines has suggested a modification of this table, using percentages rather than acreages, through which it may be easier to envision the comparison and comprehend the effects each alternative may have on mineral resources. (See attached example. The numbers are from the Beaverhead National Forest DEIS.) The potential classification consists of the same criteria presently used. The availability classification consists of four categories, including withdrawn, specific legal protection measures, special management conditions and standard operating conditions.

We suggest the following be added to the final documents:

- A definition of access categories such as that from the Beaverhead National Forest, Montana (copy attached).
- A discussion of how minerals are affected by each of the alternatives, and a section in the summary that compares how minerals fare by all of the alternatives.
- A point-counterpoint discussion of how minerals affect other resources and how decision affecting other resources will, in turn, affect minerals. (e.g. DEIS from the Wenatchee National Forest, Washington).
- A large narrative section on minerals, containing history of development and mineral production, value of past production, projected mineral demand, and current operations in locatable, leasable, and salable minerals. (e.g. Wallowa-Whitman National Forest plan, Oregon).
- A list of current mineral withdrawals, acres involved, and mineral potential for locatable and leasable minerals. Los Padres National Forest, California, plan is a good example.

- A narrative section on definitions of mining exploration and development terms what the operations involve, and the effects these activities have on the Forest. (e.g. Beaverhead National Forest plan).

Water Resources

The PLRMP and DEIS should address the occurrence and use of ground water and discuss measures to protect wells and springs against impacts on water quality. Monitoring plans should include water resources, particularly the quality of potable ground-water supplies provided to the public and the staff.

SPECIFIC COMMENTS

DEIS

Page II-35 Under each alternative, the "Wildlife Habitat" section contains the general statement that "Habitat improvement to mitigate timber harvest, road construction, or livestock grazing impacts to the wildlife resource s would occur. Habitat enhancement would occur at a low level." Additional information must be provided in the final EIS which specifically describes where and what kind of habitat improvement would occur, and when it would be implemented. Furthermore, what type of "habitat enhancement" would occur at a "low level" and where would it take place should be clearly described.

Page II-49, Riparian Area Management and Fisheries Habitat and Wildlife Habitat. General comments, riparian areas, and comments on page II-35 apply to this section also.

Page II-92, Table II-5. The preferred alternative (F) Fisheries discussion on page II-49 indicates that "Instream habitat improvements in anadromous streams would be applied at a rate of about 1.5 miles per year." According to Table II-5, in the first decade with this alternative's fish habitat improvements, there would be a 147 percent increase in pounds of anadromous fish over existing conditions. The FWS does not believe that improving 1.5 miles of stream per year (.03 percent of the total stream miles) would result in a 147 percent increase in pounds of anadromous fish, as implied, especially with a simultaneous 27 percent increase in timber harvest. In addition, improving conditions for anadromous fish on Forest lands does not necessarily mean a corresponding increase in fish numbers. Other factors outside the Forest boundaries (such as upstream and downstream passage and sport, Indian, and commercial harvest) also influence anadromous fish numbers. The final EIS should clearly describe the process and assumptions utilized to correlate the level of stream habitat improvements with the 147 percent increase in pounds of anadromous fish.

Page III-8, last paragraph. In addition to the reduction in aspen, all significant changes in vegetation types and their impacts on fish and wildlife should be thoroughly identified in the final EIS.

Page III-9, third paragraph. The list of species presented does not correspond with a similar list on Page III-40 and G-18. These lists should be consistent in the final document.

Page III-20, 1. Timber, third paragraph. Impacts to fish and wildlife resulting from the changes in timber age class diversity both long- and short-term, should be described in the final EIS.

Page III-32, second paragraph. This paragraph should be expanded in the final EIS to include a discussion of the adverse impacts of roads on fish and wildlife resources.

Page III-34 through 36, Forage. This section should be expanded to include actual levels of use by both livestock and wildlife by vegetative type, especially in riparian areas. Further, the condition and trend of those areas should be described in the final EIS.

The terms "satisfactory" and "unsatisfactory" need to be clearly defined. The opportunities to correct unsatisfactory conditions should also be clearly stated as to what will be done, where and when.

Page III-38, Special Habitat. FWS believes the assumed high rate of old growth occupancy is dependent upon very optimistic and unrealistic levels of management success. Accordingly, an alternative should be developed and presented in the final EIS which will provide for special and unique habitats under more realistic levels of management success.

Page III-41, Paragraph 3 and Page III-42, Paragraph 1. It is stated that the optimum cover to forage ratio is 40/60 but that existing conditions provide a 71/29 ratio. This implies forage should be increased significantly. However, information on page III-42 indicates there is currently more than enough forage for livestock and wintering elk. Then it is stated that "enough forage to carry increased wintering elk herds may not be available after livestock use on certain winter ranges." These statements appear to be in disagreement and should be clarified in the final document. In addition, the cover/forage ratios for the identified winter ranges should be provided.

Page III-43. The Forest needs to select an indicator species for resident fish habitat (e.g. redband trout), and riparian zones (e.g. ruffed grouse).

Page III-45. Sections of the document indicate that the goal is to meet Oregon State Water Quality Standards. As indicated, there are some streams that exceed 80 degrees Fahrenheit; therefore, the final document should provide information that delineates which streams meet these standards and which do not. In addition, reasons for not meeting the standards should be included as well as any management action proposed to achieve the standards.

Page III-48. The first paragraph states that fish populations are tied to water quantity, quality and riparian condition. However, anadromous fish have numerous other factors affecting their populations such as passage by downstream dams and sport and commercial fisheries. The final EIS should be expanded to include a brief discussion of these other major factors.

Page III-53. The second paragraph indicates that 235 stream miles have been inventoried as being "unsatisfactory". The final EIS should clearly identify how many miles of the Forest streams have been inventoried and what specific criteria were used to determine which stream segments were satisfactory or unsatisfactory. It should also reference information which supports the classifications of the riparian conditions for each stream.

Page III-54, Paragraphs 6 and 7. The final EIS should clearly identify what portion of the riparian areas are unsatisfactory as a result of livestock grazing, what is the present condition and future trend of these areas, and what specific management actions will be employed to improve riparian habitat on the forest. In addition, anticipated impacts of Malheur Forest Management to riparian areas adjacent to the National Forest should be discussed.

Page III-57 and III-58, and figure III-6. The DEIS do not indicate any future demand for recreational mining. This demand may increase, particularly if gold prices remain at current levels or rise.

Page III-73, 10. Wilderness. We suggest this section reference the Bureau of Land Management (BLM) wilderness study areas adjacent to the Forest. These are the Aldrich Mountain WSA (OR-2-103), Malheur River-Bluebucket WSA (OR-2-14) and Strawberry Mountain WSAs (OR-2-98A, 98C and 98D). These WSAs were addressed in the BLM's Oregon Wilderness EIS (Draft, 1985) and/or in the Supplement (1986). The final EIS is under preparation. BLM's last published recommendation was in support of designation for OR-2-14 and in support of nondesignation for OR-2-98 and OR-2-103. Regardless of BLM's final recommendations, Congress will ultimately make the decision. A paragraph acknowledging the status of BLM WSAs, and impacts (if any) resulting from Forest management actions, should be added where appropriate.

Page III-74, a. Strawberry Mountain Wilderness. Three small BLM WSAs, Pine Creek (OR-2-98A), Sheep Gulch (OR-2-93C), and Indian Creek (OR-2-98D) are adjacent to the Strawberry Mountain Wilderness on the western and northern boundaries. These three WSAs, totaling 1,149 acres, were restored to study status as a result of the court decision in Sierra Club v. Watt (1985).

Pages III-83, III-84, III-85, III-87, and Appendix F, page F-8. There appears to be an inconsistent numbering system for the mining districts. For example, on page III-83 the district marked with an 8 is labeled "Greenhorn," but on pages III-84 and III-87 the Greenhorn is No. 4, and on page F-8, it is listed as No. 5. Also, the mineral areas on page III-83 are numbered to 16; however, the key on pages III-84 and III-85 ends with No. 12. These pages need some corrections.

Page IV-25. The final EIS should describe the effects to forage, cover, and other wildlife resources expected to occur as a result of changing from ponderosa pine to selected species of fir.

Page IV-29. The big game numbers generated from the forage model should not be used because of the exclusion of other relationships such as hiding and thermal cover and roads.

Page IV-29. The final EIS should describe the impacts to big game animals expected as a result of changing from pine to fir.

Page IV-30. The number of miles of fence and the impacts to big game movement associated with fences should be identified in the final EIS.

Page IV-34. The final EIS should identify and discuss the effects of management activities on old growth distribution by timber type.

Page IV-35. The final EIS should clearly state what "moderate-to-high levels of fish habitat improvement" mean. If this habitat improvement refers to the 1.5 miles of stream discussed on page II-49, it should be so identified.

Paragraph 5 mentions shade and woody material as two important water quality and habitat factors that timber harvest can affect. An equally important impact created by timber harvest is siltation and sedimentation from disturbed soils. This should be addressed in the final EIS.

Page IV-37, Paragraph 2. The term "limited livestock grazing" should be clearly defined in the final EIS.

Page IV-37, Paragraphs 5 and 7. It is indicated that under the preferred alternative limited livestock grazing could occur on 70 miles of stream with unsatisfactory riparian areas. The final documents should provide more information concerning the permitting of grazing on riparian areas identified as being significantly degraded.

Page IV-40, Paragraph 3. The final EIS should explain how State water quality standards will be met in the first decade on streams that presently do not meet the standards.

Page IV-63. In several cases, the DEIS states that cultural resources will be destroyed through the implementation of the Plan. Is this inadvertent or intentional destruction, and will such destruction be mitigated?

Page IV-72. While the Forest acknowledges the relationship between access and restrictive management, the definition of restrictive is not provided. For example, Table IV-13 shows a total of 8,340 acres under restrictive management for the preferred alternative, while Management Area 7 (Vinegar Hill) which would be managed for scenic values, exceeds 13,000 acres. Management for scenic values implies some restrictions of this historic mining area, but the impacts are not described.

Pages IV-73 and IV-74. These two pages need to be clarified regarding mineral development rights. The claimant does have an inherent right to reasonable access to claims and the 36 CFR 228 regulations also point out that "an operator is entitled to access in connection with operations..." This should be mentioned in the discussion on roadless areas. It could be pointed out that access to mineral resources could prove to be an exception in keeping an area roadless as the Forest Service will recognize valid existing rights. Denying reasonable access would discourage mineral exploration and development which would be a violation of the laws and policy acts.

Page IV-88 Effects on Plans of Others--BLM We encourage the Forest to continue coordination with BLM. The documents contain omissions and errors regarding adjacent BLM lands and management plans. For example, there is no mention of the Strawberry Mt. WSAs. While DEIS Appendix A (page A-6) references BLM's Burns and Vale Districts, Prineville District also manages lands adjacent to the Forest. Appendix A does reference Aldrich Mountain WSA, but Appendix C (page C-10) is in error by stating that BLM land adjacent to the Forest's Aldrich Mountain roadless area is "too small for consideration." Aldrich Mountain WSA (OR-2-103) contains 9,395 acres. BLM recommended that this WSA not be designated wilderness in the DEIS prepared by BLM in 1985. The final EIS is under preparation.

BLM is also involved in a significant effort to enhance riparian areas on lands it administers (Oregon/Washington Riparian Management Plan, BLM 1987). We are concerned that the Forest, in apparently not being aware of this, has the potential to jeopardize investments BLM expects to make over the next 5-10 years for restoration and enhancement of riparian areas.

VI-3. List of Recipients. Unless these organizations do not wish to be on the mailing list, we suggest the following be added to receive the final documents:

The Northwest Mining Association in Spokane; the Eastern Oregon Mining Association in Baker, the Geothermal Resources Council--Pacific Northwest Chapter; Northwest Petroleum Association; and the Oregon Department of Geology and Mineral Industries.

PROPOSED LAND AND RESOURCE MANAGEMENT PLAN

Page III-4, Big Game Habitat. The first paragraph states that "the limiting factor on big game populations is winter range." The next paragraph says "all the winter ranges have more than enough forage to carry both the present number of livestock and the present number of wintering elk." If there is more than enough (excess) winter forage, then why is it a limiting factor? The final document should clarify this apparent discrepancy.

Page III-6 and III-7. Refer to the Draft EIS comments provided above for Page S-10, third paragraph. Chapter III also refers to improvement of overall fishery habitat on 1.5 miles of stream annually under the preferred plan. This amounts to improvements on three-hundredths of 1 percent of the Forest's 4,700 miles of stream. The FWS cannot concur that this meager habitat improvement would result in a 62 percent increase in anadromous fish production (P. 10, overview) when: 1) timber harvest is increased 27 percent (over 77-86 average), 2) there is a 40 percent grazing utilization of "unsatisfactory" riparians, and 3) a 55 percent grazing utilization of "satisfactory" riparians. Projections of such increases in anadromous fish production must be substantiated with adequate supporting data in the final document.

Page III-8 and 9, Resolution. This section indicates that the preferred plan would maintain only 37 percent of the existing roadless areas. The remaining 63 percent of current unroaded areas would be developed. Roadless areas now provide quality fishing and hunting opportunities as well as other forms of recreation which are not available elsewhere. Optimum conditions for big game also exist in these unroaded areas with minimal human presence. The FWS recommends that 100 percent of the existing roadless areas continue to be managed as such to maintain their undeveloped status and fish and wildlife values. As a minimum, all roadless areas should be retained until the forest can complete and analyze a baseline inventory of existing fish and wildlife resources. Such an inventory has not been presented or referenced in the subject draft documents, and without it, it is impossible to identify impacts. Retaining all roadless areas would provide significant resource protection until a baseline for fish and wildlife resources is completed.

Page II-1, Management Direction. There should be a discussion of minerals as a resource and management practices related to minerals.

Page IV-33 Why are cultural resources investigations and management limited only to Management Areas 1, 3, 4A, and 14?

Page IV-35, Area 2, Rangeland. Why are no cultural resource investigations/management prescriptions planned for the Rangeland area of the Forest? The DEIS (Page III-70, 71) points out the destruction and damage that livestock can do through tramping and trailing, and states that cultural resources, around springs in the southern two-thirds of the Forest, are particularly vulnerable.

Page IV-39, Minerals and Geology, Item 2. The Forest should check with the National Marine Fisheries Service to determine if notification is desired of any mineral development that would affect anadromous fish habitat.

Page IV-48 and page IV-50; Minerals and Geology, Item 1. Where valid existing rights exist, activities that might otherwise impair Wilderness values may have to be tolerated and regulated only to insure against undue and unnecessary activity.

Page IV-50, Area II, Semi-primitive Motorized. Why are there no cultural resource investigations/management prescriptions for these areas of the Forest? Motorbikes, 3 and 4-wheelers, cars and pickups not only directly damage cultural resources, particularly along ridges, prehistoric and historic access routes, and river terraces, but also provide access to these resources and increase the potential for vandalism.

Page IV-53, Minerals and Geology, Item 1. It might also be advisable to stipulate that access or new roads will be restricted, whenever possible, to existing ways, trails, or designated utility corridors.

Page IV-54. The Preferred Alternative map reveals that existing Special Interest Areas will be reduced in size and converted to general forest/range use. How will this affect the special protection provided all resources, including cultural? The historic railroad and mining districts on the Forest could also be given Special Interest protection.

Page IV-58. Under the discussion of "Resource Elements", a discussion of "Geology and Minerals" appears to have been inadvertently left out in the management discussion of "Semiprimitive Nonmotorized Recreation Areas." A discussion similar to the one under "Semiprimitive Motorized Recreation Areas" would be adequate.

Index. An Index showing the location of cultural resource discussions would be useful.

Appendix A, Activity Schedules In as much as inventory of mineral resources is essential to complete multiple resource management, it might be advisable to initiate mineral investigations as part of the initial Activity Schedule.

SUMMARY COMMENT

Prior to the development of a final EIS and Management Plan the Forest Service should complete a baseline inventory of all the Forest's major resources. Until this is done, the impacts to the existing environment of any plan cannot be either adequately analyzed or monitored. Further, usable guidelines, measurable standards and specific mitigative techniques and measures should be a part of any comprehensive plan subsequently adopted.

Thank you for the opportunity to comment on your Proposed Plan and Draft EIS.

Sincerely,


Charles S. Polityka
Regional Environmental Officer

Attachment

Non-energy						Energy				
Mineral Potential Category (MPC) ¹						Mineral Potential Category (MPC)				
						I	II	III	IV	V
Total acres of potential	579,789	425,032	1,142,700	0	0	216,257	376,288	1,382,040	173,036	0

Alt 1	Access Category ²	Percent of total acres of each MPC affected					Percent of total acres of each MPC affected				
	A	12	16	17	0	0	0	0	16	58	0
	B	27	2	4	0	0	1	4	12	7	0
	C	8	2	4	0	0	0	0	8	1	0
	D	53	80	75	0	0	99	95	6	34	0

Alt 2	A	0	0	16	0	0	0	0	6	58	0
	B	16	2	3	0	0	2	5	8	1	0
	C	29	45	42	0	0	54	58	34	17	0
	D	55	52	40	0	0	45	36	52	23	0

¹See attachment 2, from DEIS, Willowa-Whitman National Forest, Oregon.

²See attachment 3, from DEIS, Beaverhead National Forest, Montana

Table 11-11

Mineral Evaluation Report

Alternative A									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	101,081	230,311	0	0	A	0	193,812	66,868	70,612
B	12,765	172,068	16,648	2,395	B	0	42,167	6,927	154,782
C	972	104,542	1,858	722	C	0	50,639	10,238	47,217
D	58,218	875,119	357,782	213,140	D	0	856,082	340,999	307,178

Alternative B									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	101,081	76,532	0	0	A	0	177,613	0	0
B	2,471	116,094	19,317	3,369	B	0	35,877	10,914	94,460
C	29,666	467,929	220,241	115,770	C	0	474,729	191,967	166,910
D	39,818	721,428	136,762	97,043	D	0	455,906	221,941	317,204

Alternative C									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	128,066	481,154	329,998	165,242	A	0	704,850	267,623	131,987
B	3,835	105,873	223	110,690	B	0	27,091	7,832	75,767
C	10,889	169,777	8,569	11,263	C	0	95,162	29,873	75,463
D	30,246	625,104	37,530	38,993	D	0	315,597	119,704	296,572

Alternative D									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	127,970	402,124	201,920	125,976	A	0	564,337	193,234	100,399
B	4,072	207,232	44,843	14,872	B	0	83,286	49,076	138,657
C	22,309	302,479	50,680	24,115	C	0	190,031	68,515	141,037
D	18,685	470,073	78,877	51,294	D	0	305,026	114,207	199,696

Table 11 - 11 cont

Alternative E									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	112,520	326,993	40,857	125,976	A	0	433,889	98,997	73,460
B	5,277	112,218	29,458	12,822	B	0	46,025	23,517	90,233
C	38,575	560,449	151,230	36,396	C	0	370,867	180,352	235,431
D	16,664	405,538	123,090	49,458	D	0	291,919	122,166	180,665

Alternative G									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	101,081	85,511	40,857	0	A	0	225,309	2,140	0
B	3,004	139,404	0	0	B	0	18,517	12,730	111,161
C	33,572	459,851	188,380	97,431	C	0	446,052	178,442	154,740
D	35,379	697,507	147,083	118,461	D	0	454,037	231,720	312,673

Alternative H									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	101,081	152,261	12,907	0	A	0	126,769	68,868	70,612
B	95	185,669	13,068	0	B	0	42,368	63,272	93,192
C	27,092	466,101	226,368	132,792	C	0	503,529	197,358	151,466
D	44,768	566,754	135,220	83,345	D	0	397,530	154,971	277,586

Alternative I									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	128,405	809,421	330,757	168,615	A	0	848,419	329,759	259,020
B	1,750	66,933	636	943	B	0	6,136	1,462	62,664
C	9,885	116,556	3,679	9,090	C	0	80,952	11,709	46,549
D	32,996	388,998	41,248	37,609	D	0	207,193	82,102	211,556

Alternative W									
Energy					Non-Energy				
Access Category	Low	Mod	High	Very High	Access Category	Low	Mod	High	Very High
A	118,629	355,544	32,039	0	A	0	304,971	106,547	94,674
B	1,561	91,450	1,966	3,225	B	0	21,094	8,748	68,360
C	38,655	506,842	170,956	119,536	C	0	437,432	176,320	222,237
D	14,191	428,072	171,359	93,496	D	0	379,203	133,397	194,518

U S ENVIRONMENTAL PROTECTION AGENCY
REGION 10
1200 SIXTH AVENUE
SEATTLE, WASHINGTON 98101



REPLY TO
ATTN OF

WD-136

Kenneth L. Evans, Forest Supervisor
Malheur National Forest
139 NE Dayton Street
John Day, Oregon 97845

Dear Mr. Evans:

The Environmental Protection Agency (EPA) has reviewed the Draft Environmental Impact Statement (DEIS) and proposed Land and Resource Management Plan (LRMP) for the Malheur National Forest, Oregon, prepared by your staff. The DEIS presents several alternatives for management of the Forest's 1.4 million acres, while the LRMP expands on the DEIS preferred alternative. Our detailed comments concerning the combined DEIS/LRMP are enclosed. Our review was conducted in accordance with the National Environmental Policy Act, and our responsibility under Section 309 of the Clean Air Act to determine whether impacts of proposed federal actions are acceptable in terms of environmental quality, and human health and welfare.

We appreciate your staff taking the time to meet with us in Seattle on October 26, 1987, to go over the documents, and to answer questions over the phone during our review. The LRMP/DEIS is a major planning document which deserves both the efforts put into its development by your staff and the close attention of the public and agencies.

The DEIS raised some concerns and the proposed LRMP, as written, does not clearly preclude the possibility of adverse environmental impacts. We have, therefore, rated the DEIS/LRMP EC-2 (Environmental Concerns - Insufficient Information). A summary of the EPA rating system for draft EIS's is enclosed for your reference. This rating reflects our primary concerns that the DEIS and LRMP did not clearly provide the necessary protection for water quality and sensitive beneficial uses given the high level of grazing and timber harvesting outputs proposed. The major reasons for this are:

1. Insufficient presentation of existing conditions;
2. Standards relating to fish habitat, riparian areas, water, soil and air that are much too general to assure adequate protection of these important resources;

Category A Withdrawn or proposed for withdrawal from mineral entry.

1. Wilderness areas.
2. Wild and scenic rivers
3. Sites for facilities
4. Historic and cultural sites
5. Developed recreation sites.

Category B Statutes or executive orders require specific protection or mitigation measures.

1. Proposed wilderness areas.
2. Congressionally mandated wilderness study areas.
3. RARE II Further Planning areas.
4. T & E Species.
5. Roadless (Type I) dispersed recreation areas.
6. Culturally significant areas.

Category C Special conditions exist on lands which require special lease stipulations or plan of operation conditions.

1. Big game winter range.
2. Elk calving area.
3. Riparian area.

Category D Standard lease stipulations and plan of operation conditions apply.

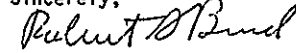
1. Timber production areas.
2. Existing mineral processing areas.

3. The lack of a clear commitment that activities unable to meet the adopted standards would not be allowed to occur unmodified.
4. Insufficient analysis of risks to water quality and beneficial uses caused by stream sedimentation from planned activities, and
5. The lack of any monitoring plan proposed for water quality and soils, and insufficient monitoring plans proposed for fisheries and riparian areas.

We believe that some of the information and analyses that were not in the draft documents exist, and that the final EIS and LRMP can be made to adequately address our concerns. In doing so, some significant revisions or new analyses may be necessary. Once you have had a chance to consider these comments, we will contact you to offer our assistance during the process of finalizing the documents. We are confident that we will be able to work together positively to prepare an effective final EIS/LRMP.

Thank you for the opportunity to review the DEIS/LRMP. Continued coordination and any questions should be directed to Mr. Steve Bubnick of our Environmental Review Section at (206) 442-8512 or FTS-399-8512.

Sincerely,



Robert S. Burd
Director, Water Division

Enclosures

cc: ODEQ
ODFW
CRITFC
CTUR
BLM, Portland
USFS, R-1
USFS, R-4
USFS, R-6

U.S. ENVIRONMENTAL PROTECTION AGENCY REVIEW REPORT: PROPOSED FOREST PLAN AND DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR THE MALHEUR NATIONAL FOREST

General

The EIS describes the affected environment and analyzes the environmental consequences of implementing alternative schemes for managing the Malheur National Forest (MNF's) natural resources, it is meant to support the reasonableness of the selected Forest Plan (LRMP). The LRMP itself is designed to establish the framework for planning during the next 10 to 15 years. We recognize, however, that LRMPs typically do not provide detailed planning for individual projects. Given the projected outputs of the EIS preferred alternative, the LRMP describes how these outputs may be achieved. The key is that the outputs are targets. The standards and guidelines presented in the LRMP (both forestwide and management area-specific) are interpreted as the primary "rules."

In order to determine whether the standards and planning framework in the proposed LRMP will sufficiently protect environmental quality, and public health and welfare, the associated EIS should include more detailed descriptions of the affected environment and environmental consequences. In particular, too little information regarding existing conditions of fish habitat and riparian areas on the Malheur National Forest (MNF) is presented. Without thorough descriptions of existing conditions (including any current degradation), an adequate environmental consequences analysis is difficult to perform. Similarly, it is difficult to determine whether the levels of impacts that are predicted are acceptable, or whether the proposed standards sufficiently avoid or minimize impacts. Many of our following comments should be read with this in mind.

Additional discussions of existing conditions and the processes the Forest Service will utilize during implementation of the LRMP will help provide the necessary support for later specific planning decisions. We expect that much of what we suggest for inclusion in the final EIS and LRMP is available or can be reasonably obtained. We are optimistic that the final documents will be adequate for decision making and for planning future activities on the LRMP that are environmentally sound.

Water Quality and Water Supplies

Current water quality conditions are not described in the DEIS. There is some general discussion on the major rivers and anadromous fisheries use, but no specific information on where the sensitive uses occur (e.g., spawning and rearing, and water supplies).

The stated management direction of the Malheur National Forest includes a goal to "Maintain or enhance water quality to meet State of Oregon standards, considering downstream uses and protection of other riparian and floodplain values" (LRMP IV-2). We feel this should be accomplished through stated fishery/water quality drainage objectives for the Forest; careful riparian area management; application of best-management practices; and soil, water, and fishery resource improvement projects.

The draft plan does not adequately identify drainage objectives and it lacks a watershed resource inventory. A watershed resource inventory summarizes facts, recorded measurements, observations, and other evidence which can be used to determine management objectives for rivers and streams. Oregon's water quality standards and water quality management plans, for instance, were developed using inventory information. An inventory is a key element needed for effective resource management. The drainage objectives derived from the resource inventory then provide a means of implementing the plan.

From information provided in the DEIS, there is no assurance that Oregon Water Quality Standards will be met. For instance, the DEIS mentioned that anadromous fish spawning occurs in the John Day basin. It was also stated that there are 409,000 acres of old growth habitat, nearly 30 percent of the forest (DEIS III-9). The location of the spawning areas and the old growth was not identified. If logging occurs in old growth areas which also support salmonid spawning, the use of the stream could be adversely affected. This could constitute a violation of the antidegradation part of Oregon's Water Quality Standards. This subject is not addressed in the DEIS.

Increases in sediment which affect fisheries are identified in the DEIS. Yet there is no data which shows where this occurs in the forest. Furthermore, no plan for monitoring future increases is mentioned. This makes it extremely difficult to evaluate effects on water quality which would result from implementing the various options identified in the plan.

Other beneficial uses of the water resource may be affected and need to be more thoroughly addressed in the plan. There are two municipal watersheds in the Malheur National Forest. Are these unfiltered, surface water supplies? Under an EPA proposed rule, as required by the 1986 amendments to the Safe Drinking Water Act, an agreement would have to be reached with the Forest Service that would allow the municipalities to have control over activities in the watershed that could adversely affect water quality in order for the municipalities to continue to use these sources without filtration.

To assist with the overall water quality management program, we are developing water quality summary sheets for each of the National Forests. The purpose is similar to that of a "Fact Sheet" used to evaluate NPDES permits. A draft copy for the Malheur National Forest is being enclosed for your information. The intent is to identify a form for watershed resource inventories which could be used by EPA and the Forest Service to address water quality concerns. Streams listed under "Drainage Objectives" only represent a starting point. The Forest is encouraged to expand this list.

Fish and Fish Habitat

Discussions of fish and fish habitat should be expanded in order for us to determine that adverse impacts to fish are avoided. The process that will be followed to protect fish habitat must start with consideration of the existing condition of the habitat. The adequacy of the standards designed to maintain habitat quality, and of the monitoring program used to determine that the standards are being achieved, relates directly to the current status of the fish populations and their habitat. The fish sections of both Chapters III and IV are appropriate places to summarize much of what we suggest be included elsewhere in the documents in terms of impacts from grazing, timber harvest, and roading in riparian areas, as well as sediment yields from upslope activities.

It is noted that where fish habitat has declined it has been due to livestock damage to riparian areas, loss of stream shade, placer mining activities, and increased sedimentation. Areas where this has occurred have not been identified, however.

We agree with emphasis being placed on undertaking fish habitat improvement projects. It should also be emphasized that fish habitat improvement work, while important and potentially very successful, does not take the place of avoiding impacts from the beginning.

EPA concurs with the recommendation of the Oregon Department of Fish & Wildlife that some species of resident fish be included as indicator species on the forest. Certain resident fish species on the forest are especially sensitive to temperature increases or have narrow temperature tolerances. Protection of these species could further the protection of water quality in non-anadromous streams.

Sediment

The discussions of sediment yields and impacts should be expanded in the final EIS information summarizing the extent and location of high hazard lands (relative to erosion and mass wasting potential) needs to be mapped.

Erosion standards would be appropriate to develop, especially for the high hazard lands. Considering the additional input from roads, and from other activities such as livestock grazing that may occur in the same basin, concern for fishery impacts becomes more significant. Ideally, sediment yield predictions, coupled with appropriate standards and more emphasis on monitoring, could be used in planning as one screening tool to help determine allowable levels of activities within a basin over time.

The final EIS should summarize the knowledge regarding sedimentation and fishery impacts, and describe any mitigating factors that may exist on the MNI. For example, approximately 20 percent fines by depth appears to be a threshold above which survival to emergence of eggs and alevins decreases dramatically. How would sediment yield increases relate to instream sedimentation on the MNI?

Finally, forestwide averages are useful for general comparison among alternatives; however, beneficial uses of water must be protected wherever they occur. High sediment yields in one basin averaged against no increases in another do not establish that beneficial uses are protected.

Grazing

The final EIS should identify the areas where grazing-related water quality or other riparian area problems exist. For the portions of these areas that support anadromous fish habitat or other highly sensitive beneficial uses, the final EIS should specifically identify the steps (structural or non-structural) that will be taken to reduce the risk of damage to acceptable levels. Domestic water supply watersheds and anadromous fish habitat should be managed for particularly low levels of impact. For anadromous fish, 90 percent of the Smolt Habitat Capability Index may be appropriate. Where it is concluded that impacts to beneficial uses would be unavoidable, grazing should be considered an incompatible use and livestock should be excluded. Included in this evaluation should be estimates of the amount of land that would be unavailable for grazing should identified significant conflict areas be excluded. The potential impacts to the local and regional economies should also be estimated.

Riparian Area Management

Riparian areas are designated in the proposed Plan for providing timber and other outputs, with the intent of allowing long-term maintenance or improvement of riparian-area quality at the same time. In order to support that the proposed levels of these other outputs can be obtained without seriously damaging the functions and values of riparian areas, discussions dealing with them should be expanded. The relative importance of different riparian areas on the MNT, their existing conditions, and the impacts of grazing and timber harvesting activities on them should be more fully addressed.

A map depicting the grazing allotments of the forest was supplied directly to this office. This map also identified the riparian areas within each allotment that have been inventoried as having an unsatisfactory condition. This information should be included in the final EIS with a reasonable explanation of the information contained on the map. It should include an inventory of the grazing allotments along with a quantification of total riparian areas and unsatisfactory riparian areas within each allotment. The inventory discussion should also include existing and planned improvement projects within each allotment and any known (or expected) recovery rates resulting from the improvements.

Cumulative Impacts

We have discussed the use of "area analyses" with other national forests and generally support their use. It would appear that much of the detailed analysis we believe to be necessary, but which the Forest Plan cannot provide and can be missed by individual project evaluations, would be included in this level of study. Area analyses would be the most appropriate vehicles for evaluating the cumulative effects of many similar activities, and the combined effects of different types of activities, occurring in a fairly large area and over a period of time. The FEIS should describe the role that "area analyses" will play during the plan implementation.

Because detailed and specific analysis of cumulative impacts are extremely important, the final Plan should discuss in some detail the process for assessing them on the MNT. For example, for how large an area (2nd order drainages?) would such analyses be performed? What period of time between projects would be considered? Would all activities producing sediment in the area be included (e.g., timber harvests, plus roads, mines, grazing, etc)? How will multiple ownership drainages fit into these analyses? Will documents be prepared and available for public review and comment?

There is potential for conflicts to occur over significant portions of the MNT especially between grazing and timber harvest activities and important aquatic resources. Also, relatively large acreages are proposed to be developed for the first time. We therefore believe that area analyses would be appropriate to perform for all watersheds in which development is planned near important aquatic resources. We further believe that such analyses should generally receive public review as draft EAs or EISs, depending upon the resource conflict potential of the projects.

Standards and Guidelines

The standards and guidelines adopted in the LRMP define the bounds within which individual activities on the Forest must be undertaken. The ultimate acceptability of activities depends on their being implemented under appropriate standards. It is with this in mind that we reviewed the standards and guidelines presented in Chapter IV of the proposed LRMP. Along with the proposed monitoring program (which is intended in large part to ensure that standards are being met), we consider the adoption of adequate standards and guidelines to be the heart of the LRMP.

It would be useful to separate standards from guidelines in the final Plan. The definitions of each should be provided in the glossary; having both clearly presented can make the plan much more understandable as well as easier to implement. (See our comments for chapter IV of the LRMP for specific remarks on the standards and guidelines.)

Monitoring

For the most part, the monitoring requirements are too general and are inadequate to assess the effectiveness of practices applied or the implementation of the Forest Plan. An example of what we consider to be the essential elements of a monitoring program is attached for your reference.

Achievement of the drainage objectives and improvement projects (as discussed previously under Water Quality and Water Supplies) can only be evaluated by water quality monitoring and fishery habitat surveys. The draft plan does not identify a water quality monitoring program, nor criteria for evaluating riparian areas (vegetation condition, streambank erosion, etc.)

For water quality, our primary concern is the protection of beneficial uses. Standards and guidelines, and BMPs, are meant to provide this protection but they may not always be sufficient. Monitoring must therefore be directed at the beneficial uses, as well as to determining that BMPs etc., were applied. The role of project sampling, as well as monitoring not tied to any one project, should be outlined. Long-term monitoring need not be reported any more often than five years. However, if at any time standards or guidelines are being violated or beneficial uses being significantly affected, project or Plan revisions/evaluations should be triggered.

Monitoring of fish and riparian habitat condition is not discussed. This is a significant omission. Not only should the Plan emphasize avoiding problems (i.e., avoiding the need for improvements), but without ambient condition monitoring new needs for improvement projects or management direction modification could not be easily identified or predicted. Also, the reporting period for habitat condition monitoring would need to be more frequent than every five years if individual projects are to be revised before significant damage has occurred. Monitoring for the ambient condition of range, soils, watersheds, and roads should also be included in the LRMP.

DEIS SPECIFIC COMMENTS

- P III-3 It is stated that "Erosion is continuing, and landslides are common in steep areas where hard resistant rocks cap soft volcanic ash/tuff units which typically have a high clay content." There is a need to detail these areas of ash/tuff units with high clay content showing the locality and approximate frequency of occurrence
- P III-4 Soils - The discussion on management concerns and hazard of erosion needs more detail, especially on the risk of excessive sedimentation caused by activities on these soils
- P.III-7 Mixed conifer stands occupy moister, higher elevation sites and cover more acreage than pine stands. P. III-4 of the plan says mixed forest harvest will comprise 70% of timber sales by the year 2037, as opposed to 45% presently. How will this increase in higher elevation harvest activities affect the watersheds? One common problem is increasing runoff for several years (depending upon revegetation rate) This needs to be discussed.
- P.III-9 Old Growth - 287,958 acres of reduction is planned (approximately 70% of the old growth forestwide). There is a need for more information on the effects of this large scale reduction.
- P.III-36 "Riparian areas in unsatisfactory condition occur on all grazing allotments on the Forest. These areas comprise 3-5% of the forest." Unsatisfactory condition should be defined. Grazing activities along the stream are common sources for water quality degradation. If management is indeed difficult, perhaps exclusion from these areas should be the emphasis until satisfactory condition is restored.
- Information of grazing effects upon the water quality, in general, needs to be disclosed, along with an inventory of the problem areas and existing improvements (and direction of range management program). The U.S. Fish and Wildlife Service and National Marine Fisheries Service have conducted riparian vegetation surveys in eastern Oregon and may be able to assist you with some of the needed information
- P.III-49 Placer mining effects on fish habitat are discussed. During the meeting with Forest staff, it was disclosed that some of the "unsatisfactory" stream reaches were attributed to past placer mining activities. An inventory of these affected reaches is needed, along with what reclamation has occurred, its success, and areas where reclamation is pending or planned. "Proper reclamation" needs defining
- P.III-50 It states that "many streams which experience heavy livestock concentration in streamside areas may have conditions offensive to humans" with respect to bacterial contamination. What is considered "heavy livestock concentration?" Which streams experience these concentrations? How often are streams checked for unacceptable bacterial levels? What corrective steps are taken when a stream is found to have unacceptable bacterial contamination?

- P III-52 Stream Classification - Streams on the forest are classified into 4 groups. The Forest staff supplied a map of these streams to EPA along with their classification. This information should be included with the FEIS. Along with the inventory should be an explanation of what constitutes a major stream, and the difference between high-value fisheries and significant fisheries. This will allow for understanding how a stream is considered as Class I or II.
- P III-53 Approximately 235 stream-miles of riparian areas have been inventoried as being in unsatisfactory condition. How many stream miles have been inventoried as satisfactory? How complete is this riparian area inventory? Are satisfactory and unsatisfactory the only categories considered for riparian area classification? What are the criteria for these classifications?
- P III-53 Approximately 35 miles of gullied streams have been identified. How complete is this inventory? At what rate is active gullying continuing? What is being done to stabilize the presently gullied areas and prevent future gullying? What are the principle activities that cause the loss of cover and precipitate subsequent gullyng? Which soil types, if any, are most susceptible to gullyng? Is there a need for monitoring this phenomenon? Why or why not?
- P III-53 EPA understands the Forest's concern for riparian hardwood - dependent species and concurs with a continued monitoring of the trend of conditions that affect these species
- P.III-54 What are the effects of riparian-area regeneration harvest on water quality? How much acreage will be clearcut during the 21-year period of planned "accelerated harvest" in riparian areas? Alternatives to this regeneration harvest practice should be considered such that impacts to water quality "during the intervening period" can be minimized.
- Paragraph 6 states "Forestwide, abundance and diversity of deciduous woody and herbaceous riparian vegetation has been reduced. In some areas the change has been fairly small. Along some stream reaches the deciduous woody component has been largely eliminated from the streamside area." This topic deserves much more detailed discussion. How much reduction in abundance and diversity has occurred and over what time frame? What is considered a "fairly small" change? What is considered to be "largely eliminated" and from which particular stream reaches? How many streams have been affected, even to a "fairly small" degree, and where are these streams? What is being done to improve the existing situation?
- P.III-55 "Since many of the roads were built in riparian areas"... How much roading (miles of road, acres) presently exists in riparian areas? Where are the roads in riparian areas (i.e., which drainages)? What is the condition of the riparian areas that have roads? Are some of these considered as part of the 235 stream-miles being of unsatisfactory condition? How many streams have been adversely affected by roads? The topic of riparian-area roads should be discussed more fully. Inventory maps would be helpful.
- P III-88 What is the quantity of sand, gravel (common-variety minerals) and rock presently mined from the Forest? Where are the quarries/pits located? How much river rock is mined from the Forest? Are these activities expected to contribute sediment to the streams?

- P III-91 30% of the 1,515 miles of Forest arterial and collector roads are said to be "in need of reconstruction." This is over 450 miles of roadway. What activities are generally involved in reconstruction of this road type? How many are in riparian areas? What kinds of environmental impacts can be anticipated? Is there opportunity for mitigation?
- Several hundred miles of abandoned railroad grades exist on the Forest. An inventory is underway. How close is the inventory to being completed? What is the anticipated completion date (& mileage)? What condition are the grades in? Are any near streams (i.e., in riparian areas)? What kind of erosion (sediment contribution) potential is expected?
- P IV-2 Statement "Adherence to standards and mitigation measures should prevent all but minor and temporary impacts on these areas." This pertains to Wetland/Floodplains. There are no specific standards addressing these ecosystems in the proposed Forest Plan. Specific standards should be developed and included in the FEIS/LRMP. Definitions of "minor" and "temporary" impacts (in this context) should also be included.
- P IV-3 The phrase "unacceptable condition" should be defined with respect to the soil criteria mentioned - compaction, displacement, puddling, mass wasting, surface erosion. What are the acceptable limits of these soil impacts/conditions? This should be defined in the Forest-wide standards.
- P.IV-9 We encourage the use of (existing) designated skid trails whenever possible and would like to commend the Forest in making this a common practice on timber sale units. How many exist in the Forest?
- Figure 3 - This figure shows relative sediment yield for the proposed alternatives. Preferred alternative F appears to be the 3rd highest in relative sediment yield over the first two decades. Why is there no data presented for the alternative NC? If proposed alternatives can be compared, "based largely on professional judgement" (P.IV-8), why can't alternative NC be included in the comparison? Sediment yield is an important process/concept that should be well documented and in the Forest records. If this data does not presently exist, then we suggest this effort be given a high priority so that specific sediment yield data and analyses can be included in the FEIS. How much of this sediment yield is anticipated from road activities and how much from timber harvesting?
- P IV-10 Paragraph 3 We agree with the Forest that soil moisture values need to be tested and validated, especially if no such information presently exists. We would like to encourage the Forest in this endeavor.
- Paragraph 5 Has scarification ever been used on the Malheur National Forest, and, if so, what method was used and how effective was it? Is there any areas of the Forest presently scheduled for scarification? In this discussion, the phrase "compaction problem" needs to be defined quantitatively.
- P IV-12 Paragraph 1 Why are riparian acres in lodgepole pine sites planned to receive clearcuts, under the preferred alternative, while all other sites will have a "continuous stand of trees on every forested riparian acre?" The effects of this activity should be discussed in detail in this section of the DEIS. How many lodgepole pine riparian acres exist on the Forest? What are the stream classes in these areas and where are they? The phrase "continuous stand of trees" should be quantified.

- P IV-15 Figure IV-5 - This shows a comparison of old-growth acres by alternative. At what elevations are the proposed old-growth areas for alternative F? Will low-elevation, old-growth dependent species be excluded from the forest because of management practices?
- P IV-19 Paragraph 4. Mitigation measures for effects on vegetation/trees are projected to be successful 75% to 80% of the time. In light of this discussion, the term "successful" should be defined. The stated success rate has apparently been taken from two cited references. Have these measures been studied for success rate on the Malheur?
- P IV-25 Figure IV-7 - The discussion with this figure needs much more detail. In this figure, alternative F will receive about 80,000 acres of clearcut in decade 4 and 90,000 acres in decade 5. This activity could surely increase the sediment yield significantly, yet Fig IV-3 shows a drastic decrease in sediment yield from this amount of clearcutting. There is also some confusion as to the significance of road building in decades 1 & 2 under alternative F pertaining to sediment yield.
- P.IV-26 The entire section b - Range Management Effects on Forage - is much too general and discussion is inconclusive. The problem is that there is no specific discussion of range management effects for any alternatives. The following phrases need defining. "Limited livestock use and curtailed livestock use," what is the difference? "Accelerated recovery of streamside vegetation," what is the growth rate and accelerated compared to what? What are the effects of slowed or eliminated shrub growth along streams and "moderate level" of grazing pressure? Moderate level of grazing should be defined.
- P IV-28 The statement at the top of the page relating that Forest-wide standards for browsing and grazing will be followed and "include specific objectives" has generated some confusion. There does not appear to be any specific objectives in these Forest-wide standards, except as pertaining to the range management for the Murderers Creek wild horse herd.
- P IV-35 Effects on riparian areas & fish habitat. More specificity is needed to understand the ramifications associated with the management activities. We suggest that a more detailed discussion be included in the Final EIS.
- P IV-36 Paragraph 5. - There should be discussion added that addresses the environmental consequences to the abundance and diversity of riparian vegetation without adequate funding for range administration and improvements. If good livestock distribution cannot be assured, then grazing activities should be curtailed until such a time that adequate funding for needed environmental protection components can be assured.
- 30 years for unsatisfactory riparian areas to attain a satisfactory condition seems extraordinarily long. Exclusion of livestock from these areas could increase the recovery rate dramatically. Given the habitat and water quality values of the riparian areas, all known measures to expedite functional & ecological recovery should be considered and the most effective adopted.

- P IV-37 Paragraph 4 - The discussion suggests that fish production will increase because vegetation utilization will drop from 70% to 55% in riparian areas. Amount of vegetation utilization does not in itself assure adequate stream structure or protect against streambank damage. This discussion needs to detail how these fish production goals are to be achieved in practical terms.
- P IV-38 Paragraph 5 - BPA funds for fish habitat improvement are meant to be used for mitigation of effects from dams on the Columbia River. K-V funds could be used for mitigation of effects from Forest management activities. These two fisheries mitigation efforts should be concurrent but separate activities. This discussion should be changed to clarify any confusion that K-V funds usage for fisheries mitigation is dependent upon termination of BPA funds availability.
- P.IV-40 The discussion on Effects on Water is inadequate to determine what effects might take place under certain management activities or alternatives. Widespread regeneration harvest (clearcut) has ramifications not detailed in the discussion.
- P IV-44 There is no data or documentation offered to support the claims that modified grazing practices should result in a decrease in sediment and low-flow summer stream temperatures. Decreasing shrub utilization does not in itself assure habitat improvement. The reduced shrub utilization practice will require a sufficient budget for livestock permit administration. There is no assurance given that the budget will be sufficient for such administration. Contingencies for an insufficient administration budget should be discussed.
- P IV-48 Paragraph 6 - The statement that water quality will show improvement by the end of the 50-year period has no supportive documentation or substantiating facts. There is nothing offered to show how 55% forage utilization will cause these changes. Supportive information should be included with all conclusions regarding effects of management activities.
- P.IV-50 There was difficulty in determining the definition of Cumulative Effects that was used by the Forest in the DEIS. The discussion on cumulative impacts failed to link the roles of the various activities in environmental degradation. We would be pleased to offer you assistance in developing a more comprehensive discussion of cumulative effects. (Also, see our discussion under General Comments - Cumulative Effects above).
- P IV-53 The special clauses of paragraph 2 should be defined. The definition should be followed with an explanation of how each clause allows satisfaction of water resource objectives and how they provide for the unique nature of riparian areas.
- Ch IV There is no discussion on ground water of the Forest. The DEIS should include: an inventory of wells in use and any existing ground-water mining activities, known areas of ground-water discharge (e.g., seeps & springs) and how management activities affect this resource (e.g., compaction of highly permeable soils during grazing & harvest activities in a known recharge area). Are wells used for potable water at public recreation sites?

MALHEUR LAND AND RESOURCE MANAGEMENT PLAN (LRMP)

The management direction goals and the discussion on the desired future condition of the forest seem well-intended and have positive benefits. However, some of the activities needed to obtain these goals and conditions could have adverse environmental effects. These activities should be discussed in the DEIS/LRMP by disclosing known potential impacts and defining certain terms and phrases. Below is a list of some of these goals and statements that could be clarified through a detailed discussion in the DEIS/LRMP.

- P.IV-1 Wilderness (Goal #9) - This goal is confusing to the reader and does not lend itself to an easily definable concept. It is even more confusing as to how this might be achieved.
- P.IV-2 Water, Soil, and Air (#26) - To provide favorable flow and maintain watersheds in a stable condition appears to be a goal that should already be the existing watershed condition. To better understand the idea, favorable flow and stable condition should be defined. The watersheds would be in a very poor condition if a "favorable flow" and "stable condition" did not define their present physical state. There is no discussion of watershed conditions or quality in the DEIS/LRMP, other than Byram Gulch and Long Creek municipal supply watersheds.
- Water, Soil, and Air (#27) - How are water quality, and riparian and floodplain values to be managed? There are no specific Forest standards to ensure protection of these values.
- P IV-4 There could be widespread environmental impacts associated with the activities of harvesting 37% of the forested lands within the first decade. How much harvesting will occur in riparian areas? How much of this acreage will have regeneration harvest activities? Where will these harvesting activities take place? How many of the anticipated sale units will need new roads and where are these? What would be the effects upon the soil in these areas?
- Approximately 96,000 acres of old growth habitat will be harvested. Where are these timber sale units? What harvest methods will be used and where? How many new roads (and where) will be built to accommodate these harvest activities? How much old-growth is present and how much will be left after this planned reduction? Previous discussions on this are confusing and need to be clarified. i.e., P III-9 of DEIS states "there are approximately 409,000 acres of old-growth habitat within the mature successional stage on the forest." This is seral stage 5. How much more acreage is considered to be old-growth habitat that is in the "old-growth" successional stage (seral stage 6)? An inventory of the old-growth areas should be included.
- P.IV-5 Para. 2 - "...population levels of cavity nesting species should stay well above 20 percent of the population level..." How much above 20%? This discussion offers no assurance this condition can be achieved or maintained. How will this be measured?
- P IV-6 By 2037, "old-growth habitat will occur on 121,208 acres." Again, what is the present acreage (total) and how much reduction does this figure represent? What is the definition for viable populations of dependent species?

- P IV-15 The Forest's Watershed Improvement Needs Inventory, mentioned here, should be included in the EIS. This would give the public basic information on the condition of the watersheds and current improvement techniques used by the Forest.

Forest-wide Standards are much too general, as are the management area standards, for consistency in their application and evaluation. We have emphasized below some of the standards that lack proper specificity, and then some that contain good detail for your comparison. These standards are all found within chapter IV of the LRMP.

- P IV-18 General #2 - "Significant riparian areas" should be defined here. What acceptable methods are to be used to delineate these areas?
- Recreation #1 - To "Develop, revise, review, and provide input" does not provide any specific guidance to those who must carry out these revisions and reviews. This standard offers no specificity or quantification. This standard should include how the development, revision, review, and input provision is to be exercised.
 - Recreation #2 - This is a succinct and understandable standard that provides a specific directive with some degree of latitude.
 - Recreation #5 - Lacks detail for consistent application. Where, how, and under what conditions/scenarios are the restrictions to be used? What restrictions? If this information is found elsewhere, it should be so stated.
- P IV-19 Visuals #9 - This is a good example of providing references to where the reader can find specific details to carry out the objective of this standard, assuming that the second paragraph is part of the standard and not just an explanative narration.
- Wildlife and Fish #2 - This needs to be rephrased. Until we are aware of the current habitat condition, it would be difficult to determine if the habitat is impaired, the same, or improving. The standard needs to be linked to a data collection.
 - Wildlife and Fish #4 - What management techniques are to be used for the bald eagle sites? How many are needed per unit of land? What manner will ensure their use? The reader should be directed to specific documents if the information is found elsewhere.
- P IV-20 Wildlife and Fish #9 - How are these habitats to be managed? What is considered a viable population? This standard allows far too much latitude for consistent application to occur.
- Wildlife and Fish #10 - Very good, explicit standard. Provides specific detail such that the employee can independently evaluate his success in complying with the standard.
- P IV-21 Timber #2 - Very detailed and clearly understandable.
- P IV-22 Timber #8 - What does this imply, exactly? How strong of a term is "favor?" When and where is natural regeneration to be favored?
- P IV-23 Water, Soil, and Air #1 & #2 - These read more like goals than standards. When would these inventories be needed? How would they be prepared? Application of BMP's does not ensure compliance with water quality standards (WQS). This should be changed to indicate that application of BMP's is intended to ensure compliance with WQS. Compliance with WQS rather than application of BMP's is the bottom line requirement for forest practices.

- P IV-24 Water #4 - How will the stated rehabilitation be achieved? What constitutes a disturbed area? Why is only direct sediment contribution to perennial streams considered here? Indirect contribution could cause severe water quality problems, also (i.e., disturbed areas could contribute sediment to ephemeral drainages, which in turn, once activated, could introduce large amounts of sediment into perennial streams).
- P IV-24 Soils, #7, #8, #9 - These are much too general. How is the valuation to be conducted? What happens once the soil impact potential has been deemed high? What is the soil condition that has acceptable productivity potential (i.e., define this condition)? How is this to be achieved? What is the definition for effective ground cover? What is the minimum percentage of ground cover for the first year after disturbance? For the second year?
- Water #3 - Good standard on water quality. Needs to be linked to monitoring, however.
- P IV-25 Minerals and Geology #9, #10, #11 - These are good examples of understandable standards. The reevaluation process should be defined or the reference given. Monitoring of the reclaimed areas should be done to ensure objective accomplishment.
- P V-2 Monitoring and Evaluation - The concept of the monitoring program being based on "available funds" should be further explained. If funds are not available to monitor the implementation of the plan, the plan should be amended, revised, or specific actions cancelled. The proposed monitoring plan lacks accountability to interested and affected groups and publics. It is not clear how monitoring results will be communicated to outside groups. Accountability or the ability to assess effectiveness of actions is essential for a successful monitoring program.

STANDARDS - MANAGEMENT AREA 3

Although this is a relatively small part (37,140 acres) of the Forest, it is critically important in water quality protection. Because the standards in this section are extremely general, we offer below some questions and suggestions pertaining to a few of the standards and are meant to be used as guidance for revisions.

- P IV-37 Recreation #2 - Through what means will recreation use be limited and distributed? When and how will it be determined that it is necessary to limit or distribute use in riparian areas?
- Habitat Management #1 - How will the rate of recovery in unsatisfactory riparian areas be improved? What is the natural rate of recovery of unsatisfactory areas when access is excluded?
 - Habitat Management #4 - When are the mentioned spawning and egg incubation periods (i.e., what time of year and for how long)?
- P IV-38 Range Management #2 - How will livestock grazing be managed to ensure compliance with water quality standards? What is an acceptable condition for fish populations?
- Timber Harvest #2 - This standard supplies sufficient detail to the reader so it can be understood which management practices should be applied and where.

P.IV-39 Water, Soil, and Air #1 - This standard should describe the evaluation process to be used or give guidelines to what constitutes a satisfactory evaluation. Which effects are to be evaluated? Perhaps evaluation guidelines could include a list of beneficial and adverse effects, possibly including relative weights of importance.

P.IV-40 Fuels #4 - It is not understood what connection there is between machine piling of slash and the protection of fuels in a riparian area. Perhaps this could be explained here.

Many of the other management area standards suffer from the same lack of detail as found in management area 3. For example, how are activities near bald eagle roosting areas going to be restricted? And what is the bald eagle roost site utilization period? What is the definition of significant cultural resources and what are the guidelines for their evaluation (P.III-47). When and how is it decided that existing range improvements are unnecessary and how will they be removed (P.IV-47)? What criteria must be met for a decision to be rendered that epidemic levels of infestations would severely threaten adjacent lands (P.IV-51, #3)?

Many questions are left unanswered by standard #1 under Minerals and Geology (P.IV-61). Some of those are: When and by whom would it be deemed necessary for the next logical stage of development? What is the next logical stage? What would make other means of access infeasible/unreasonable and roads not? What determines feasible extent of road obliteration and how is the decision made? By whom (Forest, industry)?

APPENDIX J - Monitoring

P.J-7 We suggest adding a second question to this issue area that addresses habitat suitability. Question 2 might read: Is the habitat provided suitable to maintain the desired population levels?

P.J-16 This monitoring effort only focuses on population trends of anadromous fish, and timber and range outputs from riparian areas. Conditions of the riparian area and water quality should be monitored for adverse effects caused by the timber and grazing activities. Trends of other species populations should also be monitored (e.g., resident fish). Population trend monitoring should include observations of population response to habitat condition changes.

- The suggested monitoring methods of only: (1) reviewing annual Oregon Department of Fish and Wildlife steelhead and chinook spawning counts, and (2) annually reviewing timber sale and allotment reports, are inadequate to assess the effectiveness of the proposed Forest Plan. At a minimum, the monitoring plan should include detailed strategies for how implementation and evaluation monitoring will be done. Compliance with water quality standards should be one of the baselines for assessing the adequacy of the plan.

P.J-20 This is an adequate plan for monitoring the implementation and effectiveness of management standards. However, this is not sufficient to substitute for specific monitoring of water quality and fish habitat condition, as mentioned by the forest staff at our October meeting.

SUMMARY OF THE EPA RATING SYSTEM FOR DRAFT ENVIRONMENTAL IMPACT STATEMENTS. DEFINITIONS AND FOLLOW-UP ACTION *

Environmental Impact of the Action

LO--Lack of Objections

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC--Environmental Concerns

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA intends to work with the lead agency to reduce these impacts.

EO--Environmental Objections

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU--Environmentally Unsatisfactory

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

Adequacy of the Impact Statement

Category 1--Adequate

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2--Insufficient Information

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

Category 3--Inadequate

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment

Attachment A

USFS -- FOREST PLAN REVIEW

Water Quality Summary

Malheur National Forest
139 N.E. Dayton Street
John Day, Oregon 97845
(503) 575-1731

USFS File Number: OR-03
Draft Plan: August 1987

Significant Features

1,459,422 acres Grant, Harney, Baker, and Malheur counties

Ranger Districts: Bear Valley (John Day)
Burns (Hines)
Long Creek (John Day)
Prairie City (Prairie City)

Major Basins: Malheur, John Day, and Silvies

Aquatic Ecoregion: Blue Mountains (09)

Special Protection: 68,700 ac. Strawberry Mountain Wilderness
12,620 ac. Monument Rock Wilderness
13,322 ac. Scenic area

Background

The Malheur National Forest is located in eastern Oregon. The forest is a diverse landscape of grasslands, sage, and juniper with mountain lakes and meadows. Major tree species include ponderosa pine, lodgepole pine, Douglas fir, grand fir, and other mixed conifers. The Strawberry-Aldrich Mountain Range splits the forest into two physiographic divisions: the Blue Mountains to the north and the High Lava Plains to the south. Elevations vary from 3,300 feet along the Middle Fork of the John Day River to 9,038 feet on top of Strawberry Mountain.

Most of the Malheur National Forest receives 20 to 40 inches of annual precipitation. This precipitation occurs primarily from November to May in the form of snow. Dry periods occur annually and vary from 1 to 3 months duration. Stream drainage density ranges from one and a half to two miles of perennial streams per square mile in wetter areas, to no perennial stream flow in drier areas.

Forested areas are used for timber production, grazing, wildlife habitat, and recreation. Lower elevation shrub and grassland areas are widely used for rangeland. Meadows on upper mountain slopes serve as summer grazing grounds. Numerous streams in the area have been mined intensively for metals.

Streams originating in the forest supply water for irrigation, domestic use, and livestock use. Livestock in and near streams affect stream bank stability and stream sedimentation. Historical overgrazing has caused a drop in the water tables and subsequent downcutting of streams in most of the lower valleys, accelerating deterioration of stream bank stability and sedimentation. Removal of vegetation for timber harvest and road construction contribute toward increased hillslope erosion. A variety of past and present mining practices have introduced significant disturbance to stream quality. Open pit and shaft mines have had localized effects where tailings were pushed downslope towards drainages. Placer mining, prevalent in streams of all sizes, has resulted in major physical disruption of stream beds and biota.

The Malheur National Forest contains a highly diversified fishery ranging from coldwater dependent Yellowstone cutthroat and dolly varden to coolwater smallmouth bass. In addition, the John Day River drainage supports anadromous runs of spring chinook salmon and summer steelhead trout. Major drainages important to fisheries include:

North Fork John Day River	Resident trout
Middle Fork John Day River	Spring chinook salmon Summer steelhead trout Rainbow trout
John Day River	Spring chinook salmon Summer steelhead trout Rainbow trout Cutthroat trout Dolly varden Brook trout
South Fork John Day River	Summer steelhead trout Rainbow trout
Malheur River (including North Fork)	Rainbow trout Dolly varden Brook trout
Silvies River	Smallmouth bass Resident trout

Approximately 235 stream miles have been inventoried as being in unsatisfactory condition based on areas of unstable, eroding banks and lack of stream-surface shading.

Drainage Objectives

Drainage objectives identify the level of water quality or fishery habitat potential to be achieved in a given watershed. These are the basis of evaluating management options.

Watershed Number	Watershed Name	Beneficial Use	Current Status	Monitor Needs
17070201-A-010	John Day River	A		***
020	Deardorff Creek			
030	Reynolds Creek			*
040	Strawberry Creek			*
050	Dixie Creek			
060	Bear Creek			
070	Indian Creek			
17070201-B-010	John Day River	A		***
020	Canyon Creek			***
030	E.F. Canyon Creek			*
040	Byram Gulch	MW		*
050	Laycock Creek			*
060	Beech Creek			
070	E.F. Beech Creek			
080	Riley Creek			*
090	Birch Creek			
100	Fields Creek			***
17070201-C-010	S.F. John Day River	A		***
020	Venator Creek			
030	Grasshopper Creek			
040	Deer Creek			***
050	S.F. Deer Creek			
060	N.F. Deer Creek			
070	Murderers Creek			***
080	S.F. Murderers Creek			
17070202-A-010	N.F. John Day River	A		***
020	Deer Creek			
030	Fox Creek			***
040	Cottonwood Creek			
17070203-A-010	M.F. John Day River	A		***
020	Clear Creek			***
030	Vinegar Creek			
040	Camp Creek			***
050	Luck Creek			
060	Big Creek			*
070	Slide Creek			
080	Long Creek	MW		***
090	Basin Creek			

A: Anadromous Fish ***: High Priority
R: Resident Trout * : Medium Priority
MW: Municipal Water

Watershed Number	Watershed Name	Beneficial Use	Current Status	Monitor Needs
17050116-A-010	Malheur River	R		***
020	McCoy Creek			*
030	Bosonberg Creek			
040	Summit Creek			***
17050116-B-010	Pine Creek			***
020	Alkali Creek			
17050116-C-010	Wolf Creek			***
020	Squaw Creek			
030	Calamaity Creek			***
040	Schurtz Creek			
050	Gunbarrel Creek			
17050116-D-010	N.F. Malheur River	R		***
020	Crane Creek			
030	Bear Creek			***
17050116-E-010	Malheur River	R		***
020	Cottonwood Creek			***
17050116-F-010	Little Malheur River			***
020	Camp Creek			*
030	Squaw Creek			
17120002-A-010	Silvies River	R		***
020	Wickiup Creek			
030	Keller Creek			*
040	Scotty Creek			***
050	Bear Creek			*
060	Antelope Creek			*
17120002-B-010	Silvies River	R		***
020	Camp Creek			***
030	Bridge Creek			
040	Hall Creek			
17120002-C-010	Silvies River	R		***
020	Sage Hen Creek			*
030	Myrtle Creek			***
040	Emigrant Creek			***
050	Blue Creek			
060	Sawtooth Creek			***
070	Yellowjacket Creek			*

A: Anadromous Fish ***: High Priority
R: Resident Trout * : Medium Priority
MW: Municipal Water

NATIONAL FOREST
WATER QUALITY MONITORING
RECOMMENDATIONS

2

GENERAL MONITORING GUIDELINES

- Priorities.** Greatest priority should be given to assessing fishery impacts in the following order: 1) endangered anadromous runs; 2) other anadromous runs; 3) resident salmonids; 4) and others, including warm water species.
- Site Selections.** Site selection for monitoring impacts on the above fish population should reflect the need for a representative range of environmental conditions, e.g., soil type, channel morphology, and erosion potential. Special attention should be given to watersheds with the greatest sediment production potential. Consideration must also be given to monitoring in heavily developed watersheds and in watersheds developed or disturbed in increments over time to evaluate cumulative effects upon fishery resources.
- Paired Watersheds.** Paired watersheds should be selected wherever possible, consisting of a representative stream reach in the watersheds to be developed and a comparable reach in an undeveloped watershed. Control (or reference) reaches should be selected based upon similarity in stream slope, elevation, streamside vegetation, bank stability, fishery, soil type, stream classification, etc.
- Timing.** Timing of monitoring should emphasize detecting impacts from first entry into a watershed. This may require prior monitoring to establish adequate baseline data in both the developed and undeveloped watersheds.
- Frequency.** Frequency and location of monitoring should be periodically adjusted to reflect needs or problems identified in the ongoing monitoring. Typically, monitoring at a specific site will be initially intensive, with a later shift to periodic trend verification.
- Long-Term Monitoring.** Certain aspects of the monitoring should be designed to evaluate impacts not detectable on a short-term basis. Examples are long-term stabilization of logging roads, recovery rates of degraded streams, presence of large woody debris, etc.

IMPLEMENTATION MONITORING

This on-site monitoring should evaluate the correctness of Best Management Practices (BMP) implementation. This information will be critical in determining whether adverse instream habitat impacts were caused by inadequate BMPs or improper implementation of BMPs. In general, however, we feel that the specific method used to evaluate the correctness of BMP implementation are best identified by the U.S. Forest Service (USFS).

EFFECTIVENESS MONITORING

Stream Monitoring Parameters. Both fish density (by species and age class) and fish habitat quality should be evaluated. Habitat quality should not be confined solely to substrate composition (e.g., cobble embeddedness and percent fine sediment by depth), but should also include such factors as pool/riffle ratio, amount and size of large organic debris, vegetative cover, channel morphology, etc. Data should be gathered by the most cost effective method while insuring data quality, and utilization of standard methods of measurement and analysis.

CALIBRATION MONITORING

The total monitoring effort should be carefully designed so that one outcome is to improve our ability to predict via models: 1) the actual sediment loading to a stream, 2) the actual impact of those sediments on fish habitat, and 3) the actual impacts of those sediments or other fish habitat changes on fish population.

INTERAGENCY SUPPORT/COORDINATION

Technical Fisheries Advisory Committee. To improve interagency coordination (and to provide technical assistance and support), we suggest that the USFS establish a technical fishery advisory committee in each state. This group could consist of representatives of government agencies who manage the resource or whose activities impact the fisheries resource. By meeting quarterly, or as significant issues arise, this group could identify, and hopefully resolve problems as they develop. They could also play a key role in assisting the USFS in preparing and presenting the annual monitoring report discussed below.

Annual Monitoring Report. We suggest that an annual public meeting be held to brief all parties on the monitoring results. To minimize travel costs, the USFS could review results from individual forests within a state at a single meeting. This would also facilitate comparison of results from different forests. The technical fisheries advisory committee could help the USFS develop, and present a consensus on impacts and needed actions.

Written material should focus on an analysis of planned vs actual actions and impacts. For example, where water quality problems occurred, the USFS should clearly define the nature and cause of the problems, the corrective actions taken, and the procedures to be used to prevent future occurrences. This material, together with supporting data, should be made available to all parties prior to the public meeting. A more formal written report summarizing long-term trends and impacts should be prepared periodically, possibly at 5-year intervals.



U.S. Department
of Transportation
**Federal Aviation
Administration**

Northwest Mountain Region
Colorado, Idaho, Montana,
Oregon, Utah, Washington,
Wyoming

17900 Pacific Highway South
C 68966
Seattle, Washington 98168

Mr. Kenneth L. Evans
Forest Supervisor
Malheur National Forest
139 N.E. Dayton Street
John Day, Oregon 97845

Dear Mr. Evans

We have reviewed your proposed Malheur National Forest Land and Resource Management Plan and associated draft Environmental Impact Statement and do not foresee any impact on aviation or its activities.

Thank you for the opportunity to comment on your proposal.

Sincerely,

Marlin E. Binger
Policy and Planning Officer



U.S. Department
of Transportation
**Federal Highway
Administration**

Region 10
Alaska, Idaho,
Oregon, Washington

708 S.W. Third Avenue
Portland, Oregon 97204

November 6, 1987

In Reply Refer to:
HPP-010.2

Mr. Kenneth L. Evans, Forest Supervisor
Malheur National Forest
139 N.E. Dayton Street
John Day, Oregon 97845

Dear Mr. Evans:

Federal Highway Administration, Region 10, has reviewed the Draft Environmental Impact Statement for the Malheur National Forest Land and Resource Management Plan and offers the following comments for your consideration:

Oregon highway Routes 7, 26, and 395, which are on the Federal-aid highway system, are within the National Forest. Quite often such highways in National Forest areas do not have defined right-of-way. To make highway improvements with FHWA funds on any of the above routes, or any Forest Highway System routes which may use any lands designated as recreation, requires a determination by FHWA that there is no other feasible and prudent alternative than the selected proposal. Without an adequately defined right-of-way, this has, in similar situations, caused considerable delay in project implementation and increased taxpayer expense.

We suggest the final EIS acknowledge that when right-of-way for Federal-aid highway routes or forest highway routes are not defined, a management effort will be made to work out such details with the government officials having operating responsibilities for that route.

Ideally, in any area designated recreation by you, the designated right-of-way should be of sufficient width to allow bridge replacements, roadway widening, or elimination of safety hazards such as bad curves. Roadway improvements within a defined corridor designated for highway use do not require a 4(f) determination. NEPA action will apply to all highway improvements.

Sincerely,

M. Eldon Green
Regional Administrator

Ernest J. Valach, Director
Office of Planning
& Program Development



National Aeronautics and
Space Administration

Washington, D C
20546



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
WALLA WALLA DISTRICT CORPS OF ENGINEERS
BUILDING 602 CITY COUNTY AIRPORT
WALLA WALLA WASHINGTON 99362 9268
November 12, 1987

Planning Division

Ms. Jennifer L. Harris
Malheur National Forest
139 NE Dayton Street
John Day, Oregon 97845

Dear Ms. Harris.


This is in response to your letter dated August 18, 1987 concerning the Draft Environmental Impact Statement and Management Plan for the Malheur National Forest. Those documents were forwarded to the Walla Walla District Environmental Resources Branch for review. This letter also reflects the previous discussion that you and Mr. William McDonald had concerning these proposals.

We have reviewed the proposals for the areas of our concern. This review did not reveal any affects on navigation or our hydropower development. Moreover, we have reviewed the projects for flood control and hydrologic concerns and found no inadequacies.

In accordance with Section 404 of the Clean Water Act (33 U.S.C. 1344), a Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands. As we discussed, the Portland District will assist you regarding Clean Water Act permits.

Should you need any additional information, please contact Mr. W. E. McDonald at FTS 434-6627 or 509-522-6627.

Sincerely,



Michael F. Passmore, Ph D
Chief, Environmental Resources Branch

Mr. Kenneth L. Evans
Forest Supervisor
Malheur National Forest
139 NE Dayton Street
John Day, OR 97845

Dear Mr. Evans:

We have reviewed the Draft Environmental Impact Statement and Proposed Forest Plan for the Malheur National Forest and have no comments to offer.

Sincerely,


Billie J. McGarvey
Assistant Associate Administrator for
Facilities Management



Department of Energy
Bonneville Power Administration
PO Box 3621
Portland, Oregon 97208-3621

November 10, 1987

In reply refer to SJ

Mr. Kenneth L. Evans, Supervisor
Malheur National Forest
USDA Forest Service
139 Northeast Dayton Street
John Day, OR 97845

Dear Mr. Evans:

Bonneville Power Administration (BPA) has reviewed the Draft Environmental Impact Statement (EIS) on the Malheur National Forest Proposed Land and Resource Management Plan. We offer the following comments for your consideration.

1. As noted in the draft EIS, BPA is currently funding a number of fish and wildlife enhancement projects on the Malheur National Forest. These projects were implemented through the Northwest Power Planning Council's Columbia Basin Fish and Wildlife Program, as part of the Pacific Northwest Electric Power Planning and Conservation Act of 1980. BPA has invested ratepayer money for these projects through an interagency agreement with the Malheur National Forest. The enhancement projects also represent investments in planning and coordination by other Federal, state, and local agencies.

The enclosed table from the John Day River Basin "Working Paper" shows the projects that BPA is funding on the Mainstem, the Upper Mainstem, the Middle Fork, and the South Fork of the John Day River. These have been identified as priority opportunities for increased fish production. We urge you to protect the enhancement projects and the entire watershed by giving special attention to riparian and adjacent terrestrial areas where logging and road building activities are planned. Specifically, riparian areas should be protected within 100 feet of project sites, and preferential consideration should be given for adequate protection from sedimentation.

If you have any questions about BPA's fish and wildlife projects, please call Mr. Larry Everson, 503-230-5199 (PTS 429-5199), of BPA's Division of Fish and Wildlife.

2. The draft EIS and Proposed Land and Resource Management Plan (Plan) fail to address utility and transportation corridors as required by the Federal Land Policy and Management Act (FLPMA). To facilitate the timely and orderly development of future utility projects, the EIS and Plan should designate existing and proposed transportation and utility corridors, and should address the impacts, if any, of alternative management plans on rights-of-way and corridors. Please refer to the 1986 Western Regional Corridor Study for a list of corridors recommended for designation by the Western Utility Group and for guidance on how corridors should be treated in the EIS and Plan. We recommend that a management area for designated corridors and avoidance and exclusion areas be established, and that corridors be shown on a map. BPA does not have any transmission lines that cross the Malheur National Forest, but Idaho Power Company and California Pacific Utilities Company do have lines crossing the Forest. These utility companies should be consulted.
3. BPA has some communication facilities within the Forest. Since BPA must have access to these facilities at all times for maintenance and emergency situations, we request that you contact BPA's Snake River Area Operations and Maintenance Manager, Mr. Truman Conn, to discuss any actions the Forest may take that could affect BPA's facility access or system reliability. Mr. Conn's address is West 101 Poplar, Walla Walla, Washington 99362, telephone 509-522-6238 (PTS 434-6238).
4. We recommend that the EIS and Plan address renewable energy resources such as wind, hydroelectric, geothermal, and biomass. In particular, you could identify the type and potential of the resource, the impact of the management alternatives on it, and any conflicts that might be involved with resource development. BPA has information on Northwest energy resources which may be of help to you.

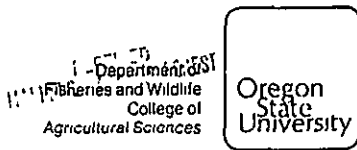
Thank you for the opportunity to comment on the draft EIS. If you need additional information, please feel free to contact me.

Sincerely,

Nicholas J. Stas
for Anthony R. Morrell
Assistant to the Administrator for
Environment

Enclosure





Corvallis Oregon 97331 3803

(503) 754 4531

October 29, 1987

Mr. Charles Graham, Acting Forest Supervisor
Malheur National Forest
139 NE Dayton Street
John Day, OR 97845

Dear Mr. Graham:

Biologists of both the U.S. Fish and Wildlife Service and the Oregon Department of Fisheries and Wildlife have been in contact with me concerning the provisions for protection of fishes in the Malheur National Forest Plan now under consideration. Because I have some familiarity with the Harney Basin and the isolated fish fauna there, I am taking the liberty of writing you in regard to two fishes that I believe should be accorded protection in any future management of the Malheur National Forest.

The first of these is the trout generally known as "redband", a representative of the genus Salmo that currently has no formal scientific name. This apparently is a form ancestral to other members of the "rainbow series", having achieved its inland distribution after the spread of the cutthroat group and before the invasion of the more typical rainbow found in drainages open to the sea. The lack of a scientific name - whether that name would designate the redband series as a full species or one or more subspecies of rainbow - is not the fault of the trout. This is a fish that has been long established in isolated streams and basins and in headwaters of streams from well south in California to well north in British Columbia. It is basically recognizable by its pigmentation, fine scales, gill raker and pyloric caeca count, and its ability to withstand severe environmental conditions including elevated water temperatures. It generally resembles rainbow, but some stocks have basibranchial teeth, a cutthroat characteristic.

As one would expect from long isolation of stocks of a representative of such a genetically plastic genus as Salmo, there are many morphotypes and genotypes of this remarkable taxon. These are under study by ichthyologists at several universities and by biologists of several state and federal agencies. Anyone considering action that could cause

C. Graham letter
Oct. 29, 1987
Page 2

diminution or extinction of any stock of this fish should consider also the problems faced by the scientists who are trying to make sense of this evolutionarily interesting group of stocks that have important potential for fisheries management in inland areas with marginal habitat. In order to describe and name this intriguing biological entity, specimens must be studied from throughout the very considerable range and from many streams and tributaries in that range. (For instance my student Peter Bisson collected three definitely recognizable morphotypes of rainbow-like or redband-like trout during his study of the Silvies.) Data of many sorts, including meristics, morphometrics, biochemistry and ecology must be assembled, studied and evaluated, and opinions of the ichthyological community must be sought and considered. We must be forgiven for being slow in trying to find real answers to a difficult and important taxonomic problem.

Because the trout has no name and has no current consensus among ichthyologists as to whether it is a species, subspecies or a series of races of inland rainbow does not mean that it is a non-entity and can be ignored as a potential source of hatchery stocks, as an angling resource or as a possible item on the federal list of threatened species.

I note that Dr. Graham Gall (even though he does not consider the redband a separate species), in his September 1981 report to the Malheur National Forest calls for management policy of a type "... that the diverse resource will be maintained in such a way as to allow evolutionary processes to continue." The enclosed copy of Dr. Robert Miller's August 1970 letter to Mr. William Delbert, although specifically dealing with the smooth sculpin of the Harney basin, expresses in the second paragraph the general importance of protecting stocks such as the redband trout.

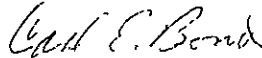
The second species of concern is Cottus bairdi subsp., the Malheur mottled sculpin. The proper application of a subspecific name to this sculpin awaits a general study of the subspecies of C. bairdi. I personally believe it should be a subspecies (bendirei) separate from the upper Snake River form (punctulatus) from which it evolved. Although this fish has no potential economic value, it should be protected for many of the reasons outlined for the redband.

I am enclosing two letters concerning protection of C. bairdi subsp. The major change in knowledge of this subspecies since 1971 is that there are populations in high tributaries of Silver Creek; which, I presume are not in the Malheur National Forest.

C Graham letter
Oct 29, 1987
Page 3

I hope this letter will be of help in planning for the proper protection of the fishes of the Malheur National Forest. I would be happy to respond to questions you might have concerning these species.

Sincerely,



Carl E. Bond
Professor Emeritus of Fisheries

Enclosures

CEB/cv



- UNION COUNTY -
County Court

JOHN J. HOWARD County Judge
MIKE CALDWELL Commissioner
MARIE C. LESTER Commissioner

1100 L Avenue

La Grande Oregon 97850

Phone (503) 963 1001

December 10, 1987

Forest Supervisor
Malheur National Forest
139 Dayton Street
John Day, Oregon 97845

Dear Forest Supervisor.

The Union County Court supports the management of the Malheur National Forest under the "Preferred-Plus" alternative with an annual timber sale program ceiling for the next 10 years at approximately 260 million board feet per year.

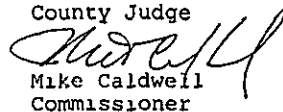
We also feel that the roadless areas need to be reconsidered primarily because of fire control access.

We appreciate the opportunity to comment on the management of the Malheur National Forest.

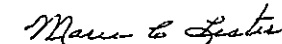
Sincerely,



John J. Howard
County Judge



Mike Caldwell
Commissioner



Marie C. Lester
Commissioner

sb

GRANT COUNTY COURT

COURTHOUSE
CANYON CITY, OR 97820
503-575-0059

4 November 1987

Chuck Graham, Acting Supervisor
Malheur National Forest
John Day, Ore, 19845

Re. Management plan for Malheur National Forest

After considering the various alternatives, and after consultation with various citizens groups, we support Alternative F, as being the best mix for responsible management for all concerns. We do, however, have some comments and suggestions. Mr Holland has chosen to make his own comments.

1. Rather than maintain roadless areas vs. roaded areas, we recommend that road standards be reduced, and seasonal road closures be used. Reducing road standards will result in less soil disturbance, slower travel, and less travel when conditions are poor. Access roads for logging can simply be obliterated when logging is finished.

2. We realize that the big game is managed by the State of Oregon, while the habitat is managed by the USDA. This results in some lack of direction in the numbers of animals and fish that are considered optimum. However, it is our position that reasonable timber harvest and reasonable numbers of game can co-exist, if both are properly managed. Rather than set aside areas for each, we recommend that management plans provide for use by both.

3. We find some confusion in the mass of data concerning timber harvest. From all we can gather, the total allowed harvest is no greater than has been historically harvested. Perhaps we should be talking about what we cut, rather than how much. We favor a ponderosa pine forest over one of associated species, and uneven aged management over even aged. In connection with harvest, we strongly urge an aggressive reforestation plan, favoring ponderosa pine.

4. We urge management of the water resource by watershed, rather than emphasis on riparian areas. This need not reduce the allowable AUMs, rather it will move them around.

5. We find the recreational goals a little confusing. There is more than adequate provision for roadless recreation, there is acknowledgment of the need for roaded recreation, but there is lack of upkeep and development of forest camps. The deplorable condition of access roads to forest camps is of special concern to us. The roadless recreation provisions answer the need for the able bodied and those seeking solitude; we see a need for provision for those less able bodied. Many of the visitors to our forests now are retired persons--they seek a forest experience, but have limited capability for walking. In this same line, we would like to see an aggressive program of signing of areas of historic and geologic interest within the forest.

6. The National Forests have an on-going problem with pests. We agree with F-departure which provides for salvage sales. We also need a management plan, and provision for funding, timely treatment of pest infestation and on-going harvest of the resulting dead trees.

7. In general forest management, we urge the utilization of various means of slash disposal to present a cleaner, more pest-free, and less fire-hazardous forest. This would also reduce the need for extensive visual corridors.

8. We realize the best plan is no good without a budget for carrying it out, and that most intensive management practices carry a high price tag. Do we know at what level the National Forest operation will be funded? Is there a possibility that some intensive management practices could help pay for themselves?

Thank you for this opportunity to comment on the proposed Malheur National Forest plan.



Lorene Allen, County Judge



Calvin Clark, County Commissioner

cc: Congressional delegation

County Court for Harney County

P.O. BOX 1147
BURNS, OREGON 97720
December 11, 1987

Forest Supervisor
Malheur National Forest

Page 2

Forest Supervisor
Malheur National Forest
139 Dayton Street
John Day, Oregon 97845

Dear Sir,

The Harney County Court appreciates the opportunity to comment on the draft environmental impact statement for the proposed Land and Resource Management Plan for the Malheur National Forest.

Harney County is opposed to Alternative F, the Forest Service preferred alternative.

Harney County does not have a single preferred alternative, but would appreciate your consideration of incorporating the following thoughts in your final EIS:

1. We believe that Ponderosa Pine production is essential to the economic future of Harney County. That Ponderosa Pine is the product that gives us a competitive edge in the lumber market both in times of housing booms and housing busts.

2. That the plan's decision to permit Ponderosa Pine sites to be converted to associated species is an unwise decision.

3. Emphasize the management of the Forest for the production of Ponderosa Pine on sustained yield basis. This would maximize community stability by providing an even flow of high value Ponderosa Pine that would maintain jobs and revenues to counties and schools on a long-term basis. This could mean managing the Forest for Ponderosa Pine in the 20 to 22 inch diameter range.

4. Maintain timber sales at a sustained yield level by continuing the selective logging of individually marked trees.

5. Eliminate clear cutting except in the non-Ponderosa areas where clear cutting is the preferred practice.

6. Manage the Forest for uneven (multiage) timber stands.

7. Harney County questions whether the Forest Service has adequately addressed the increased economic value of a quality Ponderosa Pine log. We believe that a separate study of the

value of Ponderosa Pine should be conducted instead of lumping it in with all other species.

8. Harney County questions the validity of the increase in employment levels in the EIS.

9. Harney County is opposed to the plan's proposal to permit big game numbers to almost double. This would not only reduce the forage on the Forest but would result in increased pressure on adjacent private lands where the animals spend a part of each year.

10. Harney County is concerned that the plan's policy of increased big game numbers would result in a decrease of AUM's. If the Forest can sustain increased forage consumption, as you suggest, we would then recommend that grazing levels for domestic livestock remain at present levels.

11. Consideration should be given for additional water development to permit utilization of forage that is unavailable for use and divert some of the present pressure from riparian areas.

12. Maintain the present park-like old growth appearance along most major travel routes.

13. Road closures should continue to be used as a wildlife management tool.

14. Retain the necessary land allocation for timber production that would continue to sustain Ponderosa Pine production at or near present allowable cut levels.

15. Timber growth should continue to be measured on a board foot unit instead of a cubic foot unit. The cubic foot growth measurement could give the false impression that we are growing an adequate amount of timber when in reality all we are producing is fiber and have lost our ability to produce timber that will provide a high-quality board.

16. Riparian areas should be subject to enhanced management techniques that will permit continued AUM and timber production while protecting the resource and providing for fish, wildlife and scenic benefits.

17. Eliminate the consideration of additions to wilderness and special set aside areas that are in fact mini-wilderness areas. Proper consideration for wilderness in the Malheur Forest

Forest Supervisor
Malheur National Forest

Page 3

was accomplished by the Oregon Wilderness Act and there is no justification to attempt to modify the Act by management planning.

18. Concern that the proposed slash management policy of letting slash lay on the ground will result in increased insect and disease problems, make cow movement difficult, reduce the AUM's of forage and will have serious visual impacts.

19. Concern that the proposed riparian management policy could drastically effect individual ranchers, perhaps even to the point of forcing them out of business.

20. Increase the emphasis on the salvage of dead and dying trees on a timely basis to ensure that they are harvested while they are still in a marketable condition.

In summary, Harney County supports a multiaged forest managed on a sustained yield basis that emphasizes the continued production of quality Ponderosa Pine that will permit an allowable cut that will maintain the counties' work force and stabilize the economic return to the county for now and for the future. We believe that by considering our comments and recommendations and with the Forest Service's expertise that a plan can be developed that will protect our economic base and still provide for the amenities that cause most of us to live here.

I appreciate very much the efforts of Burns District Ranger Hal Beamer and the Malheur Forest's planning staff to review and explain the plan to the Court. It was very informational and helpful and made the plan more understandable. They are to be commended for the professional manner in which they presented and explained the planning process.

Please feel free to contact me if you have any questions or if I can expand on any of our thoughts.

Sincerely,

Dale White

Dale White
Harney County Judge

DW:ed

cc: K. Norman Johnson
Federal Plan Coordinator

City of Prairie City

P.O. Box 577
Prairie City, Oregon 97869
Phone (503) 820 3605

October 7, 1987

Malheur National Forest Supervisor
139 N.E. Dayton
John Day, Oregon 97845

Dear Sir:

Members of the Prairie City Council have attended several of the information programs on the Malheur Forest Plan (Alternative F). They have expressed concern that Dixie Creek Drainage is not listed as a Municipal watershed.

The Prairie City Council would like to go on record as requesting that the Dixie Creek Drainage be considered as a primary watershed for the City of Prairie City.

We are now in the process of expanding and improving our water source on Dixie Creek.

Thank you for your consideration.

Sincerely,

Donald L. Parker
Donald L. Parker, Mayor
City of Prairie City, Oregon

cc: Long Creek Ranger,
Long Creek District